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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: MAY 18 2004

IN RE: Applicant: [redacted]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Cindy M. Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citize who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant failed to establish he had: 1) continuously resided in the been continuously physically present in the United States since

On appeal, the applicant's mother submits a statement and additional documentation.

The applicant appears to be represented, however the individual listed as a representative on appeal is not authorized under 8 C.F.R. §§ 292.1 or 292.2 to represent the applicant. Therefore, the decision will be furnished only to the applicant.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state is eligible for temporary protected status only if such alien establishes that he or she:

(a) is a national of a state designated under section 244(b) of the Act;

(b) has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;

(c) has continuously resided in the United States since such date as the Attorney General may designate;

(d) is admissible as an immigrant under section 244.3;

(e) is not ineligible under 8 C.F.R. § 244.4; and

(f) (1) registers for TPS during the initial registration period, or

(2) registers for TPS during any subsequent extension of such designation, if the applicant meets the above listed requirements and:

(i) the applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;

(ii) the applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;

(iii) the applicant is a parolee or has a pending request for reparole; or

(iv) the applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

The phrase continuously physically present, as defined in 8 C.F.R. § 244.1, means actual physical presence in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous physical presence in the United States by virtue of brief, casual, and innocent absences as defined within this section.

The phrase continuously resided, as defined in 8 C.F.R. § 244.1, means residing in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous residence in the United States by reason of a brief, casual and innocent absence as defined within this section or due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

The phrase brief, casual, and innocent absence, as defined in 8 C.F.R. § 244.1, means a departure from the United States that satisfies the following criteria:

(1) Each such absence was of short duration and reasonably calculated to accomplish the purpose(s) for the absence;

(2) The absence was not the result of an order of deportation, an order of voluntary departure, or an administrative grant of voluntary departure without the institution of deportation proceedings; and

(3) The purposes for the absence from the United States or actions while outside of the United States were not contrary to law.

Persons applying for [redacted] must demonstrate entry on or prior [redacted] continuous residence in the [redacted] and continuous physical presence in the [redacted] the Attorney General announced an extension of the [redacted] A subsequent extension of the TPS designation has been granted by the Secretary of the Department of Homeland Security, with validity until [redacted] upon the applicant's re-registration during the requisite time period.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

[redacted] the applicant was requested to submit evidence establishing his residence [redacted] and physical presence [redacted] The applicant's mother, in response, provided the following documentation:

1. A copy of his mother's Employment Authorization Document with an expiration
2. Copies of three handwritten unnumbered rent receipts for Brashtside (sic) Avenue, Central Islip for
3. Copies of three handwritten rent receipts for 30 Violet Street, Central Islip for

The director determined that the applicant had failed to submit sufficient evidence to establish his eligibility for TPS and denied the

On appeal, the applicant's mother states that since their arrival to th lived in different places including her sister's house. The applicant submits the following documentation:

4. A letter fro stating that the applicant has been a patient there from o the present;
5. An undated letter from ating that the applicant is a first grader at the school;
6. A memorandum from dicating that the applicant registered a
7. A letter from th the applicant studied there for two years and five months; and,
8. A copy of the applicant's attendance record at the

The letter from the president of the has little evidentiary weight or probative value as it does not provide basic information that is expressly required by 8 C.F.R. § 244.9(a)(2)(v). Specifically, the affiant does not explain the origin of the information to which he attests, nor does he provide the address where the applicant resided during the period of his involvement with the school. It is further noted that the letter is undated. It is further noted that the letter from th and the letter from Southside Hospital are also undated. No documentation submitted indicates the applicant was present in the

The applicant has not submitted sufficient evidence to establish his qualifying residence in t or his physical presence in the He has, therefore, failed to establish that he has met the criteria described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS will be affirmed.

An alien applying for TPS has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

ORDER: The appeal is dismissed.