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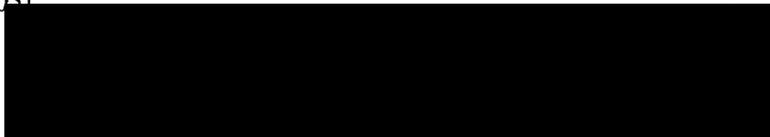
Office: California Service Center

Date: **APR 06 2007**

[WAC 06 013 70105]

IN RE:

Applicant:



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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant is a native and citizen of Honduras 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 on July 13, 2006, because the applicant failed to establish his eligibility for late registration. The director also found that the applicant had failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods.

On appeal, the applicant submits a brief statement and additional documentation.

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 as designated by the Attorney General is eligible for temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign 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 except as provided 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 announced by public notice in the *Federal Register*, or
 - (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (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 parole; or

- (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999. On May 11, 2000, the Attorney General announced an extension of the TPS designation until July 5, 2001. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until July 5, 2007, upon the applicant's re-registration during the requisite 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).

With his initial application, the applicant submitted copies of: the biographic page of his Honduras passport; 42 generic receipts; 9 money order receipts; a BellSouth receipt; 6 parking garage receipts; and 9 rent receipts.

On May 25, 2006, the applicant was provided the opportunity to submit evidence establishing his continuous residence, his continuous physical presence and eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). In response the applicant provided the following: the biographic page of a Honduras passport; 8 money transfer receipts; and 12 merchandise receipts.

The director determined that the applicant failed to submit sufficient evidence to establish his eligibility for late initial TPS registration. Also, the director denied the application as the applicant failed to submit sufficient to establish the requisite continuous residence and continuous physical presence.

On appeal, the applicant states that he has been in the United States since 1997, and he wants the opportunity to live and work freely in the United States. With the appeal, in an attempt to establish his eligibility for TPS, the applicant submits copies of: 22 generic receipts issued in 2005 and 2006; an A+ Eagle Driving school contract, dated April 8, 2006; 4 money transfer receipts issued in 2005 and 2006; and an invoice from an import/export company, dated February 3, 2005. However, this evidence does not mitigate the applicant's failure to file his Form I-821, Application for Temporary Protected Status, within the initial registration period.

The first issue in this proceeding is whether the applicant is eligible for late registration.

The applicant has not submitted any evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for temporary protected status, for that reason, will be affirmed.

The next issue in this proceeding is whether the applicant has established the requisite continuous residence and continuous physical presence.

The evidence submitted by the applicant consists primarily of generic receipts, and documents which are dated in 2005 and 2006. These documents do not establish the applicant's continuous residence in the United States since December 30, 1998, and his continuous physical present since January 5, 1999. Therefore, the director's decision to deny the application for these reasons will also be affirmed.

It is also noted that the record reflects that the applicant was apprehended on entry, on March 20, 1996, placed in deportation proceedings, under [REDACTED] ordered deported to Honduras by the Immigration Judge, on April 15, 1996, and deported at Houston, Texas, to Honduras on April 19, 1996.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.