



U.S. Citizenship
and Immigration
Services

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JUL 23 2007

FILE:

[WAC 05 229 71644]

Office: CALIFORNIA SERVICE CENTER

Date:

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 El Salvador 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 his eligibility for TPS late registration. The director also denied the application because the applicant failed to establish his qualifying continuous residence and continuous physical presence in the United States.

On appeal, the applicant submits some evidence in an attempt to establish his claim of eligibility for TPS.

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 designated by the Attorney General is eligible for TPS 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 reparole; 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.

The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed the instant application with Citizenship and Immigration Services (CIS) on May 17, 2005.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

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).

On July 25, 2006, the director requested the applicant to submit evidence to establish his eligibility for TPS late registration. The director also requested the applicant to submit evidence to establish his continuous residence since February 13, 2001, and his continuous physical presence in the United States since March 9, 2001. In addition, the applicant was requested to submit evidence to establish his identity, such as a passport or his national identity document. The applicant did not respond to the director's July 25, 2006, request. The director determined that the applicant did not establish his qualifying continuous residence and continuous physical presence in the United States, as well as his eligibility for TPS late registration. Therefore, the director denied the application on September 13, 2006.

On appeal, the applicant asserts his eligibility for TPS and provides copies of the following documentation: his El Salvadoran birth certificate with an English translation; his El Salvadoran passport and personal identification card; United States Postal Service receipts dated February 25, 2005; his TPS application; an employment letter dated March 21, 2004, from [REDACTED], stating that the applicant had worked for his company from January 10, 2001 to March 21, 2004; an employment letter dated February 21, 2005, from [REDACTED] stating that the applicant currently works for his company; his student identification card bearing an expiration date of October 19, 2001; his student identification card from Evans Community Adult School bearing an expiration date of June 30, 2005; a Western Union money transfer dated January 31, 2005; and several BancoSal Incorporated money transfers dated June 17, 2001, July 13, 2001, August 20, 2001, September 9, 2001, November 8, 2001, December 6, 2001, January 4, 2002, June 17, 2002, August 20, 2002, September 9, 2002, May 22, 2003, and May 11, 2004; Banco Agricola money transfers dated February 2, 2001, March 11, 2001, April 13, 2001, May 28, 2001, February 2, 2002, March 11, 2002, April 13, 2002, and May 28, 2002.

The first issue in this proceeding is whether the applicant has established his eligibility for TPS late registration.

A review of the record reflects that 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 conclusion that the applicant had failed to establish his eligibility for late registration will be affirmed.

The second issue in this proceeding is whether the applicant has established his continuous residence in the United States since February 13, 2001, and his continuous physical presence in the United States since March 9, 2001, to the date of filing his application.

The employment letters from [REDACTED] and [REDACTED] are not supported by corroborative evidence such as earnings statements or paycheck stubs. The applicant's student identification cards only indicate an expiration date and are not supported by any corroborative evidence as well, such as grade reports or attendance records.

In addition, it appears that the copies of the money order transfer receipts from BancoSal Incorporated and Banco Agricola have been altered. The name on the receipts have been covered-over and the applicant's name inserted in their place. Also, it appears that some of the dates on the receipts have been changed to reflect earlier dates. Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). The applicant has failed to submit any objective evidence to explain or justify the apparent alteration of the documents as noted above. Therefore, the reliability of the remaining evidence offered by the applicant is suspect and it must be concluded that the applicant has failed to satisfy the continuous residence and continuous physical presence requirements described in 8 C.F.R. §§ 244.2(b) and (c). Therefore, the director's conclusion to deny the application on these grounds must also be affirmed.

It is noted that the applicant was arrested on July 20, 2004, at the Los Angeles International Airport, Los Angeles, California, for entry without inspection.

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.