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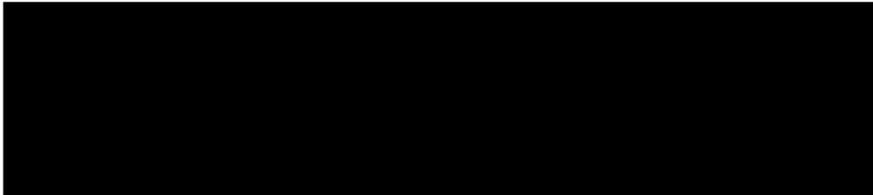
U.S. Department of Homeland Security
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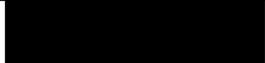
U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: California Service Center

DATE: JUN 14 2007

[WAC 05 131 73532]

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:



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 (CSC). It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant is a 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 record reveals that the applicant filed an initial Form I-821, Application for Temporary Protected Status, on February 4, 2002, at the Texas Service Center (TSC) [SRC 02 099 54545]. The TSC Director denied that application on March 10, 2004, on the grounds that the applicant failed to establish that he had been continuously resident in the United States since February 13, 2001, and continuously physically present in the United States since March 9, 2001, as required for TPS applicants from El Salvador. The applicant filed a late appeal, which was treated as a motion to reopen. On July 6, 2004, the TSC Director determined that the applicant had failed to overcome the grounds for denial, and affirmed the earlier decision.

The applicant filed the current Form I-821 with the California Service Center on January 23, 2005, designating it a re-registration application. On August 16, 2005, the CSC Director denied the application on the ground that the initial TPS application had been denied, thereby making the applicant ineligible to re-register for TPS. The applicant filed a timely appeal and has submitted a brief from counsel, a personal statement, and a letter from an acquaintance in the United States.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. *See* 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Accordingly, the director's decision to deny the application will be affirmed.

Beyond the decision of the director, the AAO notes that the only evidence in the record of the applicant's residence and physical presence in the United States prior to 2002, aside from the applicant's own statement, are: the letter submitted on appeal from [REDACTED] dated September 20, 2005, who claims to have shared her apartment in Sunnyvale, California, with the applicant from March 1999 to October 2000, as well as two similarly worded letters submitted with the applicant's initial Form I-821 from individuals in Lake Worth, Florida, dated January 25, 2002, who state that they have known the applicant in the United States since February and March 1999, respectively. Letters from acquaintances are not, by themselves, persuasive evidence of residence or physical presence in the United States. Moreover, the information provided in the foregoing letters conflicts with the applicant's statement in his current I-821 that he entered the United States on December 3, 2001. It is incumbent upon a petitioner to resolve any inconsistencies in the record by independent objective evidence. Attempts to explain or reconcile such inconsistencies will not suffice without competent evidence pointing to where the truth lies. *See Matter of Ho*, 19 I&N Dec. 582, 591-92, (BIA 1988). Moreover, doubt cast on any aspect of the petitioner's evidence reflects on the reliability of the petitioner's remaining evidence. *See id.*

The applicant has not submitted any of the other types of documentation enumerated in 8 C.F.R. § 244.9(a)(2) to demonstrate his continuous residence in the United States since February 13, 2001, and his and continuous

physical presence in the United States since March 9, 2001. As the record fails to establish that the applicant meets the continuous residence and continuous physical presence requirements for TPS applicants from El Salvador, the application must also be denied on these grounds.

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 Temporary Protected Status, or 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.