



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
[WAC 05 207 89821]

Office: California Service Center

Date: OCT 30 2007

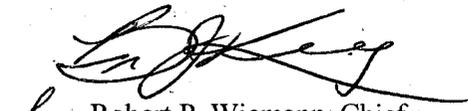
IN RE: Applicant: [REDACTED]

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 California Service Center. Any further inquiry must be made to that office.

  
for 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 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 TPS application on June 4, 2001, under CIS receipt number SRC 01 228 71300. The director denied that application, on September 23, 2004, because the applicant failed to appear for fingerprinting. The director, therefore, considered that application abandoned. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 26, 2005, under CIS receipt number WAC 05 207 89821, and indicated that he was re-registering for TPS. The director denied that application on August 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant states that he is eligible for TPS, that he has maintained eligibility for TPS, and he has provided supporting documentation to establish his eligibility for TPS as an El Salvadoran. He states also that he unfortunately missed the letter requesting that he appeared for fingerprinting. With his appeal, the applicant submits photocopies of:

1. A DBI Tenprinter Applicant Information Worksheet (AIW), which indicated that the applicant was fingerprinted on February 15, 2005;
2. A CIS Fingerprint Notification, dated April 30, 2004;
3. A Texas Department of Public Safety Identification Card;
4. A reference letter from [REDACTED], dated April 24, 2001, stating that the applicant has lived at [REDACTED] Diego, since January 30, 2001;
5. A Gigante Express money transfer receipt, dated January 4, 2001; and,
6. A national photo Cedula.

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. 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. Consequently, the director's decision to deny the application will be affirmed.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish his continuous residence in the United States from February 13, 2001 and his continuous physical presence since March 1, 2001. It is noted that the applicant stated on his initial Form I-821, Application for Temporary Protected Status, and on

his initial Form I-765, that he did not enter the United States until January 30, 2001. However, the applicant submitted a questionable money transfer receipt (dated January 4, 2001) that predates his claimed entry into the United States. It is the applicant's responsibility to address discrepancies in his statements. 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 discrepancies in the entry date in the record, and his supporting documentation. Therefore, the reliability of the remaining evidence offered by the applicant is suspect and it must be concluded that the applicant has failed to establish his continuous residence and continuous physical presence in the United States during the requisite period. Therefore, the application will also be denied for these reasons.

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 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.