

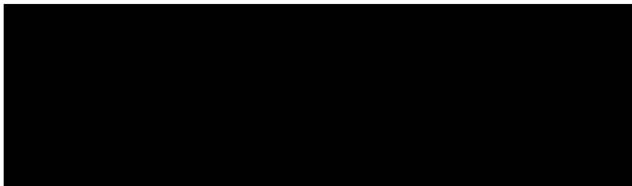
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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services



FILE:



Office: VERMONT SERVICE CENTER

Date: **APR 28 2008**

[EAC 07 175 52773, *appeal*]

[EAC 06 304 80391]

INRE:

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

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont 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 applying for 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 she was eligible for late initial **registration**. The director also found that the applicant had not established that she had continuously resided in this country since December 30, 1998.

On appeal, the applicant states she entered the United States on December 30, 1998, and that her **family** is in need of other economic support and assistance. She submits additional documentation to establish continuous residence and continuous physical presence during the required period and requests that her application be approved.

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 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 **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 (t)(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. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record shows that the applicant filed her application with Citizenship and Immigration Services on July 31, 2006.

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

On December 13, 2007, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in the regulations at 8 C.F.R. § 244.2(£)(2). The applicant was also requested to submit evidence establishing her continuous residence and continuous physical presence in the United States. The applicant, in response, provided documentation relating to her residence and physical presence in this country. However, she did not submit any evidence to establish that she was eligible for late initial **registration**.

On appeal, the applicant submits evidence in an attempt to establish her continuous residence and continuous physical presence in the United States. However, this evidence does not mitigate the applicant's **failure** to file her Application for Temporary Protected Status within the initial registration period. The applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in the regulations at 8 C.F.R. § 244.2(£)(2). Consequently, the director's decision to deny the application for TPS is affirmed.

On appeal, the applicant resubmits an affidavit ~~from~~ who states that he has known the applicant since she came to the United States in **December 1998**. She also submits a copy of a certificate and a copy of an identification card issued to her on January 3, 1999 by an organization located in Miami, Florida. After reviewing all of the evidence submitted, it is determined that the applicant has provided insufficient evidence to establish her continuous residence during the required time periods. 8 C.F.R. § 244.2 (c). Therefore, the director's decision is affirmed for this reason.

Beyond the decision of the director, it is determined she has not established her continuous physical presence during the required period. 8 C.F.R. § 244.2 (b). Consequently, the application shall be denied for this additional reason.

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.