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U.S. Citizenship
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FILE: [REDACTED]
[EAC 07 298 73166]

Office: VERMONT SERVICE CENTER

Date: **JUL 24 2008**

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 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, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant claims to be 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 determined that the applicant failed to establish she had: 1) continuously resided in the United States since December 30, 1998; and 2) been continuously physically present in the United States since January 5, 1999. The director also determined that the applicant failed to provide photo identification. The director, therefore, denied the application.

On appeal, the applicant submits copies of her California Driver License, Employment Authorization Card and a Santa Ana High School report card. The applicant also resubmits evidence that is already part of the record.

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 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 term *continuously physically present*, as defined in 8 C.F.R. §244.1, means actual physical presence in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous physical presence in the United States by virtue of brief, casual, and innocent absences as defined within this section.

The term *continuously resided*, as defined in 8 C.F.R. §244.1, means residing in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous residence in the United States by reason of a brief, casual, and innocent absence as defined within this section or due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

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 January 5, 2009, upon the applicant's re-registration during the requisite period.

The record shows that the applicant filed her TPS application on July 15, 2007. On September 17, 2007, the applicant was provided the opportunity to submit evidence establishing continuous residence in the United States since December 30, 1998, and continuous physical presence in the United States from January 5, 1999, to the filing date of the application. The applicant was also requested to submit a photo identity document. The applicant, in response, provided:

1. A copy of an Academic Transcript from Santa Ana High School District dated September 27, 2007.
2. Copies of documents from Kaiser Permanente dated July 16, 2007, October 9, 2007, and October 8, 2002.

The director determined that the applicant failed to submit sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the qualifying period. Therefore, the director denied the application.

On appeal, the applicant provides copies of her California Driver License, Employment Authorization Card and a Santa Ana High School report card. The applicant also resubmits evidence that is already part of the record. The Academic Transcript, the documents from Kaiser Permanente and the report card are all dated subsequent to the qualifying dates to establish continuous residence and continuous physical presence. Therefore, the document is of little or no probative value.

The applicant has not submitted sufficient evidence to establish that she has met the criteria for continuous residence and continuous physical presence described in 8 C.F.R. § 244.2(b) and (c). In addition, the

applicant failed to provide her date of entry into the United States on her TPS application. The applicant does indicate she entered the United States in October 1998 on her Form I-765, Application for Employment Authorization, but fails to provide any evidence to support her claim that she entered the United States at that time. Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

Despite providing a California-issued Driver License, the applicant has failed to provide a passport or any national identity document from her country of origin bearing photo and/or fingerprint to establish her nationality and identity. Therefore, the application must be denied on this basis as well.

Beyond the decision of the director, it is also noted that the applicant has provided insufficient evidence to establish her eligibility for late registration. Consequently, the application must be denied on this basis as well.

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.