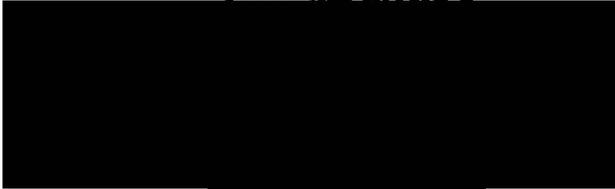




**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: MAY 01 2008
[EAC 08 040 51286, appeal]
[EAC 0727071739]

INRE: 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 Vermont Service Center. 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 (VSC), and is now before the Administrative Appeals Office (AAO), 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 applicant filed an initial Form 1-821, Application for Temporary Protected Status, under receipt number SRC 02 195 55508 after the initial registration period had closed. The Director, Texas Service Center, denied that application on September 16, 2003, after determining that the applicant had failed to establish she was eligible for late initial registration. The applicant filed a subsequent Form 1-821 under receipt number WAC 05 069 75248 which was denied by the Director, California Service Center, on June 30, 2005. An appeal was dismissed by the Director (now Chief) of the AAO on March 6, 2006. The applicant filed the current application under receipt number EAC 07 270 71739, again after the initial registration period had closed. The VSC Director determined that the applicant had **failed** to establish she was eligible for late initial registration. The director also found that the applicant had not established that she had been continuously physically present in the United States since January 5, 1999 or that she had continuously resided in this country since December 30, 1998.

On appeal, the applicant states that she entered the United State on September 10, 1998 and that she has resided in this country since that date. She submits birth certificates for her two children born in the United States along with a number of receipts.

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 (f)(2) of this section.

The phrase *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 phrase *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. 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 June 22, 2007.

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(f)(2) above.

On June 28, 2002, 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(f)(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(f)(2). Consequently, the director's decision to deny the application for TPS is affirmed.

A list of evidence submitted by the applicant to show that she satisfies continuous residence and continuous requirements is shown below:

1. A copy of a receipt issued to the applicant on October 12, 1998, from Zenzontle Corporation in Florida.
2. A copy of the applicant's laboratory reports from a medical facility in Coconut Grove, Florida, dated August 10, 2001, August 17, 2001, January 22, 2002, January 23, 2002, January 24, 2002, January 29, 2002, April 5, 2002, May 31, 2002, and July 27, 2002.
3. A copy of a letter from _____ in Miami, Florida, outlining the results of the applicant's medical examinations on January 1, 2002 and June 6, 2002.
4. A copy of the applicant's eligibility information for Florida Medicaid dated January 22, 2002.
5. A copy of the applicant's Republic of Honduras passport issued to her on April 2, 2002, in Miami, Florida.
6. A copy of the applicant's **discharge** from Jackson Memorial Hospital in Miami, Florida on July 9, 2002.
7. A copy of the applicant's medical report from ACOG Antepartum of the _____ Family Health Center dated August 5, 2002.
8. A copy of her son's birth certificate showing he was born in Florida on September 12, 2002.
9. A copy of the applicant's Florida Department of Health questionnaire provided to her health care provider on November 29, 2005.
10. A copy of the applicant's medical referral form from _____ dated January 9, 2006.
11. A copy of the applicant's receipt for payment she made to the Jackson Memorial Hospital in Miami, Florida, on April 19, 2006.
12. A copy of the applicant's receipt from _____ in Miami, Florida, dated May 24, 2006.
13. A copy of her daughter's birth certificate showing she was born in Florida on July 21, 2006.
14. A copy of the applicant's Florida driver's license issued to her on October 5, 2006.

Other than the copy of a receipt dated October 12, 1998, (Item #1 above), the applicant has not submitted any evidence to establish her continuous residence from December 30, 1998, or her continuous physical presence in the United States from January 5, 1999, to August 10, 2001 (Item # 2 above). Additionally, no evidence is provided for the years 2003 and 2004. 8 C.F.R §§ 244.2 (b) and (c). Consequently, the director's decision is affirmed for these additional 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 cited 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.