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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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

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FILE: [REDACTED]
[EAC 09 024 74941]

OFFICE: VERMONT SERVICE CENTER

Date: **APR 01 2010**

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

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. §103.5(a)(1)(i).

Perry Rhew
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 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 director denied the application because the applicant failed to establish that she was eligible for late registration. The director also found that the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

On appeal, the applicant states that she has submitted sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the requisite periods. The applicant asserts that she is a spouse of a TPS registrant.

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 is eligible for TPS only if such alien establishes that he or she:

- (a) Is a national of a 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 Temporary Protected Status 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 El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The designation of TPS for El Salvadorans has been extended several times, with the latest extension valid until September 9, 2010, upon the applicant's re-registration during the requisite time period.

The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed her application with U.S. Citizenship and Immigration Services (USCIS) on October 23, 2008.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by USCIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

The first issue in this proceeding is whether the applicant is eligible for late registration.

The record of proceedings confirms that the applicant filed her application after the initial registration period had closed. To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

On her TPS application, the applicant indicated that she is married to an individual named Elmer [REDACTED]. The applicant submitted photocopies of a marriage certificate, a TPS application for [REDACTED] and an unsigned statement purportedly from [REDACTED] requesting that the applicant be included as his dependent for TPS. The marriage certificate indicates that the applicant was married to [REDACTED] on March 12, 1998, in El Salvador.

On September 22, 2009, the director issued a Notice of Intent to Deny, which requested the applicant to submit evidence of an identity document establishing her eligibility as a citizen or national of El Salvador. The applicant was also requested to submit her original birth and marriage certificate as the photocopies provided appeared to have been altered. The applicant, in response, provided additional photocopies of the birth and marriage certificates, along with an identification card.

The director, in denying the application, determined that the applicant had failed to submit the original marriage certificate, and because the photocopied marriage certificate appeared to have been altered it could not serve as credible evidence of a marriage to [REDACTED]. The director noted that [REDACTED] has indicated on an earlier TPS application to have been married to someone other than the applicant. The director concluded that the applicant had failed to explain the discrepancies regarding the marriage certificate and, therefore, doubt was cast on the credibility and authenticity of the applicant's claim to have been married to a TPS registrant as well as the *unsigned* English translations of the marriage and birth certificates.

Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. 8 C.F.R. 103.2(b)(3).

The record reflects that the identification card submitted by the applicant was issued on July 7, 2007, and indicates the applicant to be single and does not list a name of a spouse. Furthermore, USCIS records reflect that [REDACTED] on his five previous filed TPS applications, did not claim to have been married. As previously noted above, on his TPS application that was filed in August 2007, [REDACTED] indicated that he was married to a different individual.

Doubt cast on any aspect of an applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an 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, in fact, lies, will not suffice. *Matter of Ho*, 19 I& N Dec. 582, 591-92 (BIA 1988).

The applicant has not submitted any credible evidence to establish that she has met the criteria for late registration described in 8 C.F.R. § 244.2(f)(2)(iv). Consequently, the director's conclusion that the applicant had failed to establish her eligibility for late registration will be affirmed.

The second issue in this proceeding is whether the applicant has established her continuous residence in the United States since February 13, 2001, or her continuous physical presence in the United States since March 9, 2001.

Along with her TPS application, the applicant submitted photocopies of pay stubs from 2000 through 2003. In his Notice of Intent to Deny issued on September 22, 2009, the director advised the applicant that the pay stubs appeared to have been altered as “the year to date amounts listed on the pay stubs are continuous from year to year and do not start over each year as they should.” The applicant was advised that an explanation was required to explain the discrepancies. The applicant was requested to submit additional original evidence establishing her qualifying continuous residence and continuous physical presence in the United States. The applicant, in response, submitted photocopies of the pay stubs that were previously provided.

The director determined that the pay stubs were unacceptable as they appeared to have been altered and no explanation had been provided to explain the discrepancies. The director concluded that the applicant had failed to establish her continuous residence and continuous physical presence in the United States during the requisite periods and denied the application on November 13, 2009.

The applicant has not submitted any credible evidence to establish her qualifying continuous residence or continuous physical presence in the United States during the periods. The applicant has, therefore, failed to establish that she has met the criteria described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS on these grounds will also be affirmed.

Anytime an application includes numerous errors and discrepancies, and the applicant fails to resolve those errors and discrepancies after provided an opportunity to do so, those inconsistencies will raise serious concerns about the veracity of the applicant's assertions. To date, the applicant has not addressed the director's findings.

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.