U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

(b)(6)

U.S. Citizenship and Immigration Services

DATE: DEC 0 8 2014 Office: CALIFORNIA SERVICE CENTER

IN RE: Applicant:

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The matter is an application for Temporary Protected Status (TPS). The application was denied by the Director, California Service Center. The case was remanded by the Administrative Appeals Office (AAO). The Director, California Service Center, subsequently denied the application again and certified the case to the AAO for review. The director's decision will be affirmed. The application remains denied.

The applicant is a citizen of The Bahamas and Haiti who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254. On August 19, 2013, the director denied the application because it was determined that the applicant had failed to establish that she is a national of a foreign state designated by the Secretary, Department of Homeland Security (Secretary). On June 9, 2014, the case was remanded to the director as the applicant had provided sufficient evidence to demonstrate that her nationality is that of a TPS-designated country. The director was instructed that a new decision shall be issued upon completion of the applicant's fingerprints requirement. On September 30, 2014, the director, in denying the application, determined that the applicant had firmly resettled in The Bahamas prior to arriving in the United States, and certified her decision to us for review.[1]

An alien shall not be eligible for TPS if the Attorney General, now the Secretary, Department of Homeland Security (Secretary), finds that the alien was firmly resettled in another country prior to arriving in the United States. Sections 244(c)(2)(B)(ii) and 208(b)(2)(A)(vi) of the Act.

As defined in 8 C.F.R. § 208.15, an alien is considered to be firmly resettled if, prior to arrival in the United States, he or she entered into another country with, or while in that country received, an offer of permanent resident status, citizenship, or some other type of permanent resettlement unless he or she establishes:

> (a) That his or her entry into that country was a necessary consequence of his or her flight from persecution, that he or she remained in that country only as long as was necessary to arrange onward travel, and that he or she did not establish significant ties in that country; or
>
> (b) That the conditions of his or her residence in that country were so substantially and consciously restricted by the authority of the country of refuge that he or she was not in fact resettled. In making his or her determination, the asylum officer or immigration judge shall consider the conditions under which other residents of the country live; the type of housing, whether permanent or temporary, made available to the refugee; the types and extent of employment available to the refugee; and the

[1] The record contains a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, that was submitted along with the applicant's response to a Notice of Intent to Deny dated July 10, 2014. The director's decision was only sent to the address of the applicant at the time as the Form G-28 did not contain the signature of counsel.

> extent to which the refugee received permission to hold property and to enjoy other rights and privileges, such as travel documentation that includes a right of entry or reentry, education, public relief, or naturalization, ordinarily available to others resident in the country.

The burden of proof is upon the applicant to establish that he meets the above requirements. Applicants must submit all documentation required in the instructions or requested by U.S. Citizenship and Immigration Services (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 burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his own statements. 8 C.F.R. § 244.9(b).

The record contains copies of:

- The applicant's birth certificate indicating her place of birth as Nassau, Bahamas on October
- Current and expired Bahamian passports and a Form I-94, Arrival-Departure Record, indicating that the applicant was admitted into the United States on February 22, 2000 as a non-immigrant visitor. The applicant claimed The Bahamas as her country of citizenship on the Form I-94, and her current Bahamian passport is valid until March 28, 2020.
- A statement indicating that the applicant was married in 1993 and had a daughter in 1995 in The Bahamas.
- A marriage certificate from The Bahamas Registrar General's Dept. indicating that the applicant was married on December
- A high school certificate issued on February 24, 1988 in The Bahamas.
- A statement dated August 6, 2014, from the applicant's mother, who indicated that the applicant, at the age of three months, went to reside in Haiti with her aunt; that in June 1986, the applicant returned to The Bahamas; that she attended school in The Bahamas from September 1987 through June 1993; and that in February 2000 the applicant chose to move to the United States in search of a better life.
- The biographical page of the applicant's current Haitian passport issued on September 6, 2013, in Nassau, Bahamas.

In her decision, the director noted that there was no indication that the applicant had departed Haiti due to persecution or that her residence in The Bahamas was restricted in any way. The director informed the applicant that she had 30 days to supplement the record with any evidence that she wished us to consider. The applicant has not challenged the director's decision nor has she submitted any additional evidence subsequent to the certification of her case. The record is, therefore, considered complete.

We find that the fourteen-year duration of the applicant's residence in The Bahamas and her ability to travel to and from The Bahamas[2] is sufficient to support a finding that the applicant had firmly resettled in the country within the meaning of section 208(b)(2)(A)(vi) of the Act and 8 C.F.R. § 208.15. The applicant has not demonstrated that the conditions of her stay in The Bahamas met those described in 8 C.F.R. § 208.15(a) and (b), as required to establish that she was not permanently resettled in that country prior to her arrival in the United States. Accordingly, we affirm the decision of the director to deny the applicant's application for TPS on this ground.

An alien applying for TPS has the burden of proving that 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 director's decision is affirmed. The TPS application remains denied.

[2] USCIS records indicate the applicant was admitted into the United States on several occasions prior to her last entry on February 22, 2000.