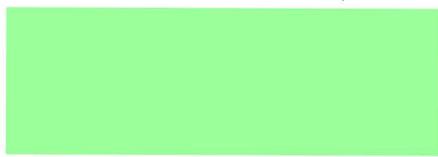


(b)(6)

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



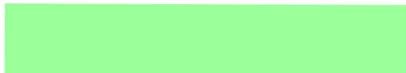
U.S. Citizenship
and Immigration
Services



DATE: **MAY 12 2014**

Office: VERMONT SERVICE CENTER

FILE: 

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 (AAO) 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant claims to be a 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 denied the application because the applicant failed to establish that she was eligible for late registration. The director also denied the application because the applicant had failed to establish she had continuously resided in the United States since December 30, 1998 and she had been continuously physically present in the United States since January 5, 1999.

On appeal, the applicant submits additional evidence in an attempt to establish continuous residence and continuous physical presence in the United States during the requisite periods. The applicant states that she is unable to obtain evidence of residence and physical presence for 2004 due to "my lack of a stable permanent address."

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 Secretary 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 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 designation of TPS for Hondurans has been extended several times, with the latest extension valid until January 5, 2015, upon the applicant's re-registration during the requisite time period.

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 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 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 initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. 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. The record reveals that the applicant filed this application with USCIS on January 9, 2012.

On August 30, 2012, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant, in response, only provided documentation relating to her residence and physical presence in the United States.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on April 8, 2013.

On appeal, the applicant assumes that providing evidence to establish residence and physical presence in the United States will establish eligibility for late registration. The provisions for late registration detailed in 8 C.F.R. § 244.2(f)(2) were created in order to ensure that TPS benefits were made available to aliens who did not register during the initial registration period for the various circumstances specifically identified in the regulations. The applicant has not submitted evidence that she has met one of those provisions outlined in 8 C.F.R. § 244.2(f)(2). Consequently, the director's conclusion that the applicant had failed to establish her eligibility for late registration will be affirmed.

The second and third issues in this proceeding are whether the applicant has established her continuous residence in the United States since December 30, 1998, and her continuous physical presence in the United States since January 5, 1999.

On August 30, 2012, the applicant was also requested to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. The director determined that the evidence submitted in response to the notice was sufficient to establish residence and physical presence in the United States for 2000, 2001, 2003, 2005, 2006, and 2008.

The director determined that the handwritten receipts for 2002 and 2007, and the affidavit from [REDACTED] attesting to the applicant's residence in 2004 were insufficient without corroborating evidence, and that the applicant's immigration bond only served to establish physical presence during January 2010. The director concluded that the applicant had failed to provide sufficient evidence of residence and physical presence in the United States during the remaining years and, therefore, she failed to establish continuous residence since December 30, 1998 and continuous physical presence since January 5, 1999. Accordingly, the director denied the application on these grounds.

On appeal, the applicant asserts that evidence of continuous residence is limited because upon her arrival in the United States in 1999, she rented rooms in the homes of acquaintances and "never had receipts for utilities"; that her employment consisted of cleaning homes, babysitting and on constructions sites; that she received her wages in cash and did not have a social security number or work permit; that she subsequently resided with [REDACTED] a TPS registrant, who "would not allow me to have a job, to drive or to have contact with my family and friends who were here"; that Mr. [REDACTED] only allowed her to work jobs that were temporary and paid cash; that Mr. [REDACTED]

“refused to allow me to seek TPS benefits”; that in 2007 she obtained an order of protection against Mr. [REDACTED] and obtained a full-time job and started to support herself; and that in 2008 she reconciled with Mr. [REDACTED] upon the birth of their daughter. The applicant submits:

- Transcripts of money gram transfers dated in October and November 2002 from [REDACTED] Corporation.
- Photocopies of medical documents from [REDACTED] in Smyrna, Tennessee relating to her visits in April 2006, August 2006, April 2007, April 2008 and June 2008.
- A photocopied letter dated April 17, 2013, from [REDACTED] in Nashville, Tennessee indicating that according to its records, the applicant was a patient from August 4, 2007 through February 21, 2008.
- A document from the Smyrna Municipal Court indicating that on [REDACTED], the applicant was arrested for driving without a driver’s license; that on [REDACTED] the applicant pled guilty to the offense; and that the applicant was placed on probation, ordered to pay a fine and perform community services. Case no. [REDACTED]
- A statement dated April 15, 2013, from an assistant manager of [REDACTED] who indicated that the applicant has been a customer and has maintained an active checking account since August 14, 2006.
- A transaction report of money gram transfers printed April 15, 2013 from [REDACTED] LLC. Specifically, the report indicates that transactions were made in 2004 (February and September), 2007 (April and June), 2010 (January, May, July and November), and in 2011 (February, March, June, August and October).

The AAO does not view the evidence submitted on appeal as substantive to support a finding that the applicant has continuously resided and has been continuously physically present in the United States during the requisite periods. Specifically:

- The transaction dates for 2002 on the document from [REDACTED] Corporation appear to have been altered.
- No corroborating evidence was submitted to support the letter from [REDACTED]
- The [REDACTED] report is contradictory as it indicates that it is reporting transactions starting from “1/1/2005”, but includes transactions from 2004. No explanation was provided to address this discrepancy. Further, no evidence of the applicant’s place of residence was provided.
- The medical documents from [REDACTED] only serve to establish that the applicant was present on the day of her visits; they do not establish continuous residence and continuous physical presence prior to or subsequent to each visit.

Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. It is incumbent upon the 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 (BIA 1988).

The applicant has not submitted sufficient credible evidence to establish her qualifying continuous residence or continuous physical presence in the United States during the requisite 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.

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.