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U.S. Citizenship  
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Services

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[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAR 21 2005

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.

*Cindy N. Gomez for*  
Robert P. Wiemann, Director  
Administrative Appeals Office

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

The applicant is a native and 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 after determining that the applicant had abandoned his application by failing to respond to a request for evidence.

The record reveals that the applicant filed his application on September 13, 2002. On December 11, 2003, the applicant was requested to provide additional proof of identity. On December 19, 2003, the applicant submitted a photocopy of his national identity document.

On January 5, 2004, the applicant was requested to submit the following as evidence of identity and nationality: a photocopy of all the pages of his Salvadoran passport and his original national identification card. The director noted that the photocopy of the applicant's national identification card submitted in response to the first request for evidence dated December 11, 2003, was not legible. The applicant was specifically instructed to provide the original national identification card, not another photocopy or a photocopy of a different identification document.

The director stated that the applicant had not responded to the Request for Evidence dated January 5, 2004, and concluded that the applicant had abandoned his application. Therefore, the director issued a Notice of Denial on March 5, 2004.

The record confirms that the applicant did respond to the Notice of Intent to Deny dated January 5, 2004. His response was received at the California Service Center on February 3, 2004.

On appeal, the applicant submits a statement and additional evidence.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant is eligible for TPS 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 designate 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 § 244.3;
- (e) Is not ineligible under § 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.

On appeal, the applicant states:

Since I do not read nor speak English, I have to rely on some one to help with the process and I assisted [sic] to an office located in Los Angeles to obtain assistance with th[ese] documents. Then when additional evidences were requested again I [went] to the same person. I took the letter to his office and he said that he will take care of the rest. I now find that my application for TPS is being denied for abandonment. I ask you to please allow me to continue with the process by presenting you the requested evidences and be able to continue with the process. I had no intention in letting this petition abandoned.

The applicant submits another photocopy of his national identification document and photocopies of evidence previously submitted in an attempt to establish the applicant's qualifying continuous residence and continuous physical presence in the United States.

However, the applicant has failed, both in response to the Notice of Intent to Deny and again on appeal, to provide his original national identification document and/or photocopies of all the pages of his Salvadoran passport. It is concluded that the applicant has failed to provide sufficient evidence to establish his identity and nationality. Therefore, the application must be denied for this reason.

Beyond the decision of the director, it is noted that the applicant filed his Form I-821, Application for Temporary Protected Status, on September 13, 2002, four days after the expiration of the initial registration period for Salvadorans. He has not provided any evidence to establish his eligibility for late initial registration. The applicant also has not submitted sufficient evidence to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite time frames. Therefore, the application also must be denied for these reasons.

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.