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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **OCT 31 2006**
[EAC 02 199 50800]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, 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 is a native and citizen of El Salvador 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 director denied the application because the applicant failed to establish continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001.

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 who is a national of a foreign state designated by the Attorney General 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 parole; or

- (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

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 Salvadorans must demonstrate that they have continuously resided in the United States since February 13, 2001, and that they have been continuously physically present in the United States since March 9, 2001. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until September 9, 2007, upon the applicant's re-registration during the requisite period.

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

The applicant indicated on her Form I-821, Application for Temporary Protected Status, that she entered the United States without inspection on January 10, 2000. In support of her application, the applicant submitted the following evidence:

1. a photocopy of the biographic page of her Salvadoran passport issued in Washington, D.C. on November 5, 2001;
2. photocopies of Washington Gas billing statements with due dates of December 23, 2000 and January 21, 2001;
3. a photocopy of a Pepco billing statement dated January 17, 2001; and,
4. a photocopy of a Bank of America monthly savings account statement for the statement period ending September 30, 2000.

The director determined that the applicant had failed to submit sufficient evidence to establish her qualifying continuous residence and continuous physical presence in the United States throughout the requisite periods and denied the application on January 20, 2005.

On appeal, the applicant states that she doesn't understand why her TPS application has been denied. She further states that she has a son who was born in Washington, D.C. The applicant submits the following:

5. a photocopy of a Western Union money transfer receipt dated February 14, 2005;
6. photocopies of two patient information forms from [REDACTED] Washington, D.C., dated April 5, 2002 and May 16, 2003;
7. a photocopy of a Verizon billing statement with a due date of November 6, 2002;
8. a photocopy of a medical record from Mary's Center for Maternal and Child Care, Inc., indicating that the applicant's son, [REDACTED], received immunizations at that institution on the following dates: September 21, 2000; November 14, 2000; January 30, 2001; December 18, 2001; and, February 10, 2005;
9. a District of Columbia birth certificate indicating that [REDACTED] was born to the applicant on July 19, 2000; and,
10. a photocopy of an immunization record indicating that the applicant's son received immunizations on July 19, 2000; September 21, 2000; November 14, 2000. January 30, 2001; and December 18, 2001.

The Washington Gas billing statements (No. 2 above), the Pepco billing statement (No. 3 above), the immunizations dated from September 2000 through January 30, 2001 (Nos. 8 and 10 above), the District of Columbia birth certificate (No. 9 above), and the bank of America savings account statement (No. 4 above) are dated prior to the requisite periods to establish continuous residence and continuous physical presence in the United States. The Western Union money transfer receipt (No. 5 above), the medial form dated May 16, 2003 (No. 6 above), the Verizon billing statement (No. 7 above), and the immunization received on February 10, 2005 (No. 10 above) are all dated after the requisite periods.

Additionally, there are discrepancies in the evidence submitted in support of the application. 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. Further, it is incumbent on 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 lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582. (Comm. 1988).

It is determined that the evidence submitted by the applicant is not sufficient to she satisfies the continuous residence and continuous physical presence requirements described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS for these reasons will 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.