



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

MI

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

JUL 30 2007

[WAC 05 204 70836 as it relates to SRC 01 230 65597]

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:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

Cindy N. Gomez for

Robert P. Wiemann, Chief
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 applicant filed an initial Form I-821, Application for Temporary Protected Status, under receipt number SRC 01 230 65597 during the initial registration period. The Director, Texas Service Center, denied that application on November 4, 2004, after determining that the applicant had abandoned her application by failing to respond to a request to appear for fingerprinting.

Since the application was denied due to abandonment, there was no appeal available; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe.

The applicant filed a subsequent Form I-821, Application for Temporary Protected Status, on April 22, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

Persons applying for TPS offered to El Salvadorans must demonstrate entry on or prior to February 13, 2001, 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. The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. Subsequent extensions have been granted, with the latest extension valid until September 9, 2007, upon the applicant's re-registration during the requisite time period.

With her Form I-821 filed on June 11, 2001, the applicant submitted copies of Western Union customer money transfer receipts dated May 13, 2000, May 27, 2000, June 18, 2000, June 23, 2000, and July 22, 2000, purporting to show that she had sent funds to a person in El Salvador. She also submitted a copy of a reservation for [REDACTED] to attend a reception at a complex named Westgate Miami Beach and an employment letter dated May 16, 2001, from [REDACTED], the owner of [REDACTED] Dry Wall in Kissimmee, Florida, indicating that the applicant worked for his company since December 1999.

The money orders and the reception reservation are not persuasive evidence of continuous residence or continuous physical presence. In addition, the employment letter from [REDACTED] has little evidentiary weight or probative value as it does not provide basic information that is expressly required by 8 C.F.R. § 244.9(a)(2)(i). Specifically, the letter does not include the alien's address(es) at the time of employment, any periods of layoff,

and her duties with the company. It is determined that the applicant has provided insufficient evidence to establish her continuous residence and continuous physical presence during the required time period. 8 C.F.R. § 244.2 (b) and (c).

Furthermore, it is noted that on her initial Form I-821, the applicant stated that she entered the United States on October 27, 1999, as a B-2 nonimmigrant visitor and that she had continued to remain in this country as an "overstay." However, the copy of her El Salvadoran passport that she submitted for the record contains an El Salvadoran admission stamp showing that she returned to that country on November 27, 1999. The record does not reflect when she returned to the United States. Doubt cast on any aspect of the evidence as submitted may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of an application. It is incumbent on the applicant to resolve any inconsistencies in the record by independent objective evidence; any 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).

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 temporary protected status has the burden of proving that he or she meets the requirements cited 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.