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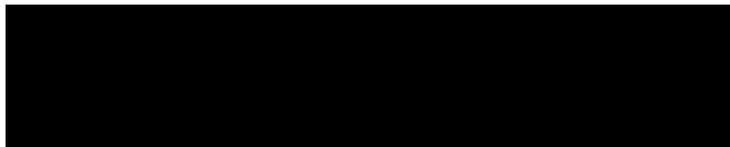
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

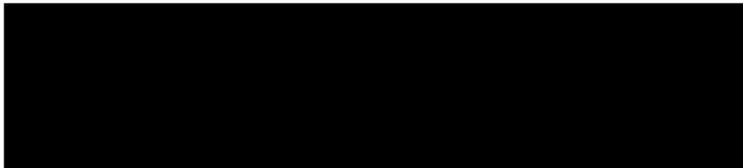
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FILE: [REDACTED] Office: California Service Center Date: MAY 29 2007
[WAC 05 204 75052]

IN RE: Applicant:



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

ON BEHALF OF PETITIONER: 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.

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 on appeal. The appeal will be dismissed.

The applicant is a 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 record reveals that the applicant filed a late initial TPS application on April 22, 2005, under CIS receipt number WAC 05 204 75052. The director denied the application on June 1, 2006, because the applicant failed to establish that she was eligible for late initial registration. The director noted that the applicant failed to respond to a Notice of Intent to Deny, issued on February 5, 2006, and that the notice was not returned as undeliverable.

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 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.

Persons applying for TPS offered to El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed her initial application with Citizenship and Immigration Services (CIS) on April 22, 2005.

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 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 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 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).

With her TPS application, the applicant submitted a copy of a Social Security card and an EAD card for Carlos A Guandique; her national identification card; a copy of a mail envelope stamped 26 Oct. 2000; 2 untranslated documents in Spanish; a rent receipt dated November 12, 2004; and 3 undated Dolex Dollar Express money transfer receipts. The director determined that the applicant had failed to establish she was eligible for late registration and denied the application.

On appeal, applicant states that she did not receive the Notice of Intent to Deny on time because it was mailed to her old address although she submitted a notice of change of address in August 2005; and that she did not submit a TPS application earlier because she had an accident in 2000 that has occupied her time. In an attempt to establish her qualifying residence and physical presence in the United States, the applicant submits a letter from a former employer referencing her employment from May 2003 through August 2006; a copy of the biographic page of her passport; a receipt issued in August 2002; an Internal Revenue Identification card; 2 undated Dolex Dollar Express money transfer receipts; a checking account statement for the period November 2, 2002 to December 1, 2002; a fingerprint notice dated November 4, 2005; an inquiry response letter from CIS, dated April 10, 2006; a letter from an attorney, dated September 23, 2005, pertaining to the applicant's change of address; a copy of an unsigned Alien's Change of Address Card, Form AR-11; a letter from the Saint Vincent de Paul Society, dated May 16, 2002; a CIS letter dated March 10, 2006; an untranslated document in Spanish, dated July 11, 2002; an undated bill for medical services; an untranslated birth certificate for her husband, in Spanish; an Out patient Clinic referral Form, dated October 4, 2002; copies of 4 EAD cards for her husband showing employment authorization from September 12, 2001 through September 9, 2006; copies of completed Form(s) I-765, for [REDACTED]; and EAD applications for 2003, and 2005. However, this evidence does not mitigate the applicant's failure to file her Form I-821, Application for Temporary Protected Status, within the initial registration period.

Furthermore, the regulation states that the applicant shall submit additional evidence as the director, in his or her discretion, may deem necessary. The purpose of the request for evidence is to elicit further information that clarifies whether eligibility for the benefit sought has been established, as of the time the application is filed. *See* 8 C.F.R. §§ 103.2(b)(8) and (12). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the application. 8 C.F.R. § 103.2(b)(14).

The AAO notes that although the applicant states that she submitted a change of address Form AR-11 in August 2005, she submitted a cover letter from her representative, dated September 2005, wherein she was instructed to send the AR-11 to the USCIS, which is inconsistent with her statement. It is also noted that the record does not reflect that a notice of Change of Address AR-11 was submitted to CIS until March 2006. 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 lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

The applicant claims that she is married to [REDACTED], a TPS registrant, and therefore, she is eligible for late initial registration for TPS. However, the applicant has not provided a marriage certificate, with an English translation, to establish her marriage to a TPS registrant.

The applicant has not submitted any evidence to establish that she has met any of the criteria for late initial registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for TPS will be affirmed.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the requisite period. In addition, it is noted that although the record of proceedings contains an El Salvador birth certificate in Spanish, the certificate was not accompanied by an English translation as required by 8 C.F.R. § 103.2(b)(3). Therefore, the application must also be denied for these reasons.

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.