



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: APR 02 2008"  
[MSC 07 024 15718, appeal]  
[WAC 0426151594]

INRE: 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 California Service Center. 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 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 provide all of the evidence that he was requested to provide by a Notice of Intent to Deny dated February 22, 2005. The director noted that the applicant had submitted a copy of a document establishing his nationality but determined that he had failed to establish his continuous residence during the **required** period.

On appeal, the applicant states:

I am applying for my motion to reopen because I believe the denial in the Notice of Decision was in error. The documentary evidence was completed in whole and on time. For that reason, I believe there is an error. I know by law that I can late register. About the documentary evidence, I submitted sufficient evidence for the periods requested. I am enclosing a money order for \$385 for this appeal. I hope you can help in this case. I appreciate your generosity and geniality in this matter. Thank you very much:

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 temporary protected status 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 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 TPS 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 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 El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since **March 9**, 2001. The initial registration period for El Salvadorans was from March 9, 2001, through September 9, 2002.

The evidence submitted by the applicant to show that he satisfies the continuous residence and continuous requirements consisted of his earning statements from a firm in Huntington Beach, California, for weekly pay periods beginning October 13, 2000, October 22, 2000, December 18, 2000, January 7, 2001, February 5, 2001, February 12, 2001, February 19, 2001, February 28, 2002, March 5, 2001, April 9, 2001, May 14, 2001, July 2, 2001, January 24, 2002, February 5, 2002, September 30, 2002, January 7, 2003, February 11, 2003, March 10, 2003, July 28, 2003, and September 8, 2003.

Other than **the** earning statements listed above, the applicant has not **submitted** any evidence to establish his continuous residence from February 13, 2001, or his continuous physical presence in the United States from **March 9**, 2001, to September 3, 2004, the date he filed his initial **application**. The **earning** statements alone substantiated with no **other** evidence that the applicant was in the United States during his purported weeks of employment are not sufficient to establish his **continuous** residence and continuous physical presence during the

required periods. 8 C.F.R §§ 244.2 (b) and (c). Consequently, the director's decision to deny the application is affirmed for these reasons.

The initial registration period for EI Salvador was from March 9, 2001 through September 9, 2002. The record reveals that the applicant filed his application with Citizenship and Immigration Services on September 3, 2004.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he fell within at least one of the provisions described in 8 C.F.R § 244.2(f)(2) above.

In order to establish that he is eligible for late initial registration, the applicant submitted documentation to show that he is the spouse of an alien currently eligible to be a TPS registrant. He submitted a copy of an El Salvadoran marriage certificate along with an English translation showing that he married his purported spouse abroad on November 22, 1998. However, a review of his purported spouse's file reveals that she has never married, that she is currently single, that they have no children in common, and that she has not lived at any of his addresses since she first applied for TPS. Furthermore, the El Salvadoran marriage certificate lists a personal identity number for him that is different from that on the personal identity card that he submitted for the record to establish his nationality. The applicant has failed to provide any evidence to establish that this application should be accepted as a late initial registration under 8 C.F.R § 244.2(f)(2). Beyond the decision of the director, it also is determined that the applicant has provided insufficient evidence to establish his eligibility for late registration. Therefore, the application shall be denied for this reason as well.

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 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.