



**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **APR 16 2008**
[EAC 07 159 52766, motion]
[WAC 05 131 77366]

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 Vermont 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 (CSC). A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The case will be reopened and the appeal will again be dismissed.

The applicant is a native and citizen of Honduras 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 1-821, Application for Temporary Protected Status, on July 2, 2003, under receipt number WAC 05 131 77366 after the initial registration period had ended. The CSC Director denied the application on April 18, 2006, because the applicant had **failed** to establish that she was eligible for late initial registration. The applicant filed an appeal from the denial decision that was dismissed by the Chief, AAO, on April 27, 2007, who determined that in addition to the applicant being ineligible for late initial registration, she had also **failed** to establish that she had continuously resided in the United States since December 30, 1998, and had been continuously physically present since January 5, 1999.

On motion, the applicant requests that her case be re-opened to give her the opportunity to be legal in this country. She further states that she has answered all the requests that she has received from Citizenship and Immigration Services (CIS) and that since she came to the United States in 1998, she has never been in any kind of trouble nor has she ever been stopped by any official of the United States Citizenship and Immigration Services. The applicant provides additional documentation in support of her claim.

Section 244(c) of the Act, and the **related** regulations in 8 C.F.R. § 244.2, provide that an applicant 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.

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record shows that the applicant filed her application with Citizenship and Immigration Services on January 23, 2005.

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

On March 8, 2006, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in the regulations at 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing her continuous residence and continuous physical presence in the United States. The applicant, in response, provided documentation relating to her residence and physical presence in this country. However, she did not submit any evidence to establish that she was eligible for late initial registration.

On motion, the applicant submits evidence in an attempt to establish her continuous residence and continuous physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file her Application for Temporary Protected Status within the initial registration period. The applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in the regulations at 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for TPS is affirmed.

The applicant has submitted some evidence for the year 1999 in the form of photocopied receipts from firms such as John's Citgo, The Disney Store and Coastline Equipment Company along with more recent documents. These receipts do not bear her name and therefore are of little probative value. She has not submitted sufficient evidence to establish continuous residence and continuous physical presence during the requisite period. Consequently, it is determined that the applicant has not established her continuous residence and continuous physical presence during the required time periods. 8 C.F.R. § 244.2 (b) and (c). Therefore, the director's decision is affirmed 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.