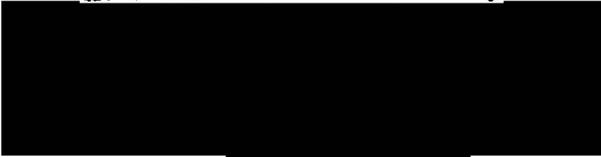




U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[EAC 07 254 72866]

OFFICE: Vermont Service Center

DATE: APR 22 2008

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.

for Robert P. Wiemann, of
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 Honduras who is seeking Temporary Protected Status (IPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record of proceeding reveals that the applicant filed an initial TPS application on July 28, 2005, after the initial registration for Hondurans had ended, under Citizenship and Immigration Services (CIS) receipt number WAC 05 301 70166. The Director, California Service Center, denied that application on August 1, 2006 because the applicant failed to establish he was eligible for late registration. The director also found that the applicant had failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods. A subsequent appeal was dismissed by the Chief of the AAO on May 25, 2007, after he concluded that the applicant was not eligible for TPS.

The applicant filed the current TPS application on June 8, 2007, under CIS receipt number EAC 07 25472866. The director denied that application because the applicant had failed to establish he was eligible for late registration.

On appeal, the applicant asks CIS to reconsider his TPS case and afford him the opportunity to stay and work legally in the United States so that he can help his family.

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 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 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 reveals that the applicant filed this application with Citizenship and Immigration Services (CIS) on June 8, 2007.

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.

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).

On October 17, 2007, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing his **qualifying** residence and physical presence in the United States. The applicant, in response, provided documentation relating to his residence and physical presence in the United States.

The director determined that the applicant had failed to establish he was eligible for late registration and denied the application on December 18, 2007.

On appeal, the applicant reasserts his eligibility for TPS and submits the following additional evidence:

1. A copy of an ASC Appoin _____ dated June 1, 2006;
2. A copy of an affidavit fro _____, General Director of GUIA: "LA VOZ DE DIOS," attesting that she has known the applicant from January of 1999 to December of 2004 because he was working for her;
3. An affidavit dated October 29, 2007 **from** _____ Shepherd of La Fama De Jesus, attesting that the applicant has been a member of his Congregation since March of 1999 and that he attends Church and participates in all activities in a very committed way;
4. An affidavit dated December 26, 2007 from _____, General Director of Agenda Diplomatica, Presidencial Y Politica, stating that she has known the applicant since early in January of 2001 to the present;
5. An affidavit dated December 24, 2007 from _____ attesting that she has know the applicant since May of 1999; and,
6. An affidavit dated December 26, 2007 from _____ stating that he has known the applicant since January of 1999.

The applicant submitted evidence in an attempt to establish his qualifying residence and physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file his Form 1-821, Application for Temporary Protected Status, within the initial registration period. The applicant has not submitted any evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(t)(2). Consequently, the director's decision to deny the application for TPS will be affirmed.

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.