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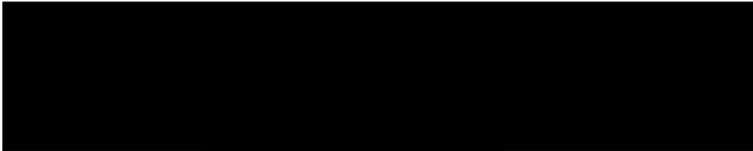
U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
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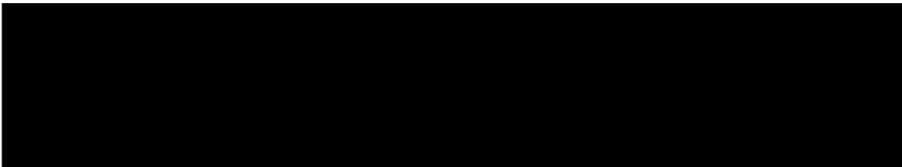


FILE: [REDACTED] OFFICE: California Service Center Date: **FEB 26 2008**  
[WAC 05 267 70029]

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 claims to be a 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 director denied the application because the applicant failed to establish that she was eligible for late registration. The director also found that the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

On appeal, the applicant states that she is the child of an alien eligible for TPS, and has been in the United States during the required period as a minor.

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.

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 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. On May 11, 2000, the Attorney General announced an extension of the TPS designation until July 5, 2001. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until January 5, 2009, upon the applicant's re-registration during the requisite period.

The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record reveals that the applicant filed her initial TPS application with Citizenship and Immigration Services (CIS) on June 24, 2005.

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 Citizenship and Immigration Services (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).

The first issue in this proceeding is whether the applicant is eligible for late registration.

The record of proceedings confirms that the applicant filed her application after the initial registration period had closed. 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.

On May 31, 2006, the applicant was requested to submit evidence establishing her 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 her qualifying continuous residence and continuous physical presence in the United States. Counsel for the applicant asserts that a response was submitted in the same packet with the applicant's sister. The applicant did not respond to the director's request within the allotted time and the director adjudicated the application based on the record at that time.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on August 9, 2006. On appeal, the applicant asserts she is eligible for late initial registration and has demonstrated presence during the required period.

The applicant has submitted sufficient evidence to establish that she is qualified to file a late initial registration application. The record contains a copy of the applicant's birth certificate, and an employment authorization document for the person listed as the applicant's mother, indicating approval of the mother's TPS EAD application on March 29, 2005, under 8 C.F.R. § 274a.12(a)(12). Thus, the applicant has established that she is eligible to file a late registration application and that portion of the director's decision will be withdrawn. However, an applicant eligible to file a late registration application must also establish eligibility for TPS under 8 C.F.R. § 244.2.

The second issue in this proceeding is whether the applicant has established her continuous residence in the United States since December 30, 1998, and her continuous physical presence in the United States since January 5, 1999.

As stated above, the applicant was requested on May 31, 2006, to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. The applicant responded but the response was not timely and the director adjudicated the application based on the record at that time.

The director concluded that the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods and denied the application.

On appeal, the applicant asserts that she has established eligibility for TPS. The applicant has submitted the following evidence relevant to her continuous residence and continuous physical presence during the required period:

1. Letter, dated August 25, 2006, from [REDACTED] asserting the applicant has been a member of his church "for a long time."
2. Letter, dated August 20, 2006, from [REDACTED], asserting generally that the applicant has been here since 1998.
3. Letter, dated August 24, 2006, from [REDACTED] asserting that she has known the applicant to live at her current address since November 1998.
4. Copy of a Certificate of immunization, dated July 7, 2003.

5. Copy of an immunization history, printed on July 24, 2003.

The medical records submitted by the applicant appear to be a summarization of the applicant's immunization history. The information in the printouts lacks sufficient context to verify that the applicant received all of her immunizations in the United States, and the AAO cannot ascertain where the immunizations were received at all. *The documents do not contain any independently verifiable information, and without any context explaining where the immunizations are received, the documents are of minimal relevance to these proceedings.*

The letter from [REDACTED] makes an indeterminate statement regarding the applicant's residence and presence, and is thus not sufficiently relevant to warrant consideration.

The letters provided by the applicant are also not sufficiently credible to warrant significant consideration. While 8 C.F.R. § 244.9(a)(2)(vi) specifically states that additional documents such as letters "may" be accepted in support of the applicant's claim, the regulations do not suggest that such evidence is sufficient to establish the applicant's qualifying residence or physical presence in the United States. The applicant claims to have lived in the United States since 1998, when she would have been eleven years old. The applicant has also submitted a birth certificate for her daughter, from 2004, when the applicant would have been 17 years old. It is reasonable to expect that during this time the applicant would have some other type of contemporaneous evidence to support the letters submitted, documentation such as school records, contemporaneous medical records, or any other document to corroborate the assertions contained in the letters; however, no such evidence has been provided. In addition, a review of the related TPS file for the applicant's mother reveals that the mother initially indicated her daughter was in Honduras as of June 26, 2001. The applicant's mother did not claim the applicant was present until July 7, 2003. Coincidentally there is no credible evidence in the record indicating that the applicant was in the United States until the birth of her daughter on February 7, 2004.

The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. 8 C.F.R. § 244.9(b). In this case the applicant has submitted little, if any evidence, and assertions of the applicant's mother contradict statements made by the applicant. It is determined that the documentation submitted by the applicant is not sufficient to establish that she satisfies the residence and physical presence requirements described in 8 C.F.R. §§ 244.2(b) and (c). Consequently, the director's decision to deny the application for temporary protected status 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.