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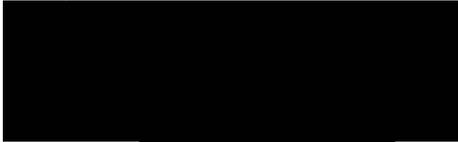
U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
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FILE: [REDACTED]  
[EAC 07 010 77655]

OFFICE: VERMONT SERVICE CENTER

Date: JAN 03 2008

INRE: Applicant:



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 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, Vennont 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 has been in the United States since 1997 and has never been in any kind of trouble. The applicant states that it is difficult to prove her residency and physical presence because a CIS official has never stopped her.

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. The designation of TPS for Hondurans has been extended several times, with the latest extension valid until January 5, 2009, upon the applicant's re-registration during the requisite time period.

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 CIS on October 10, 2006.

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).

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.

With her Form 1-821, Application for Temporary Protected Status, the applicant submitted a copy of a patient statement from Jackson Memorial Hospital in Miami, Florida, showing service dates of October 28 and

November 11, 2005, a copy of a March 9, 2006 appointment reminder sent to her from Jackson Memorial Hospital, and a copy of a money order receipt from Intermex in Miami and showing the applicant as the remitter. Other money order receipts submitted do not reflect the applicant's name, either as the remitter or the recipient. Additionally, the copies of various receipts submitted by the applicant do not contain a name or address. Therefore, they are not probative in establishing that the applicant was present and residing in the United States during the requisite period.

On December 18, 2006, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(£)(2). The applicant was also requested to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. The applicant, in response, provided documentation relating to her residence and physical presence in the United States.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on May 11, 2007. The applicant did not address this issue on appeal.

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 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 8 C.F.R. § 244.2(£)(2). Consequently, the director's conclusion that the applicant had failed to establish her eligibility for late registration will be affirmed.

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, on December 18, 2006, the applicant was requested to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. In response, the applicant submitted the following documentation:

1. A copy of an October 22, 2006 phone payment receipt.
2. A partial copy of a November 7, 2006 dental treatment plan for the applicant from \_\_\_\_\_ in Miami.
3. Copies of dental bills dated November 17, 2006 and December 28, 2006.
4. A partial copy of a monthly bank statement for the applicant for the period November 24, 2006 to December 14, 2006. The statement shows the applicant with an address in Miami, Florida.
5. A copy of a December 12, 2006 contract between the applicant and \_\_\_\_\_ Driving School in Miami Beach, Florida for driving lessons.

6. Copies of receipts from various stores and copies of money order receipts. However, these documents do not contain the applicant's name or address, and nothing in the record indicates that these receipts were issued to the applicant. Therefore, they do not constitute evidence to establish that she was present and living in the United States during the required period.

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 states that she has responded to all of the documents received from CIS and is submitting additional documentation. In addition to submitting copies of previously submitted documentation, the applicant submits the following additional documentation:

7. A copy of an October 31, 2005 money order receipt showing the applicant as the remitter with an address in Miami, Florida.
8. A copy of a December 28, 2006 purchase receipt from Wal-Mart in Hialeah Gardens, Florida.
9. A copy of a May 19, 2007 money order receipt showing the applicant as the remitter with an address in Miami.

The applicant submitted no **documentation** that identifies her as being present and living in the United States prior to 2005. The applicant has not submitted any evidence to establish her qualifying continuous residence or continuous physical presence in the United States during the period from December 30, 1998 to September 2005. She has, therefore, failed to establish that she has met the criteria described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS on these grounds will also be affirmed.

It is noted that the record contains an outstanding warrant of removal dated November 7, 2005.

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.