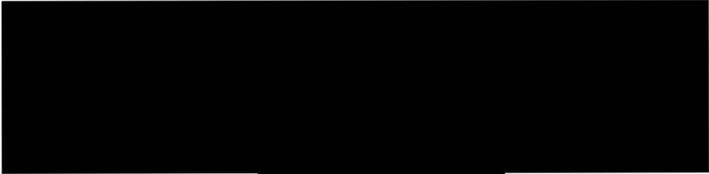




U.S. Citizenship
and Immigration
Services

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invasion of **personal privacy**

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date JUN 02 2008
[EAC 08 08051851, appealj]
[EAC 07311 76511J]

INRE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 V.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**, Vennont Service Center (**VSC**), 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 applying for **Temporary** Protected **Status** (fPS) under section 244 of the Immigration and Nationality Act (the **Act**), 8 U.S.c. § 1254.

The applicant filed an initial Form **I-821**, Application for **Temporary** Protected **Status**, under receipt number EAC 03 250 53230 after the initial registration period had closed. The director denied that application on August 15, 2003, after determining that the applicant had failed to respond to a Notice of Intent to Deny. A subsequent late motion to reopen was dismissed by the director on February 6, 2004. The applicant filed the current application under receipt number EAC 07 311 76511, **again** after the initial registration period had closed. The VSC Director determined that the applicant had failed to establish he was eligible for late initial registration. The director also found that the applicant had not established that he had been continuously physically present in the United States since January 5, 1999 or that he had continuously resided in this country since December 30, 1998.

On appeal, the applicant requests that his case be re-opened to allow him the opportunity to stay in this country and work legally. The applicant states that he needs his permit so that he will be able to work and maintain 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 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** (t)(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 his application with Citizenship and Immigration Services on July 30, 2007.

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 October 31, 2007, the **applicant** was requested to submit evidence establishing his eligibility for late registration as set forth in the regulations at 8 C.F.R. § 244.2(t)(2). He was also requested to provide a court disposition for his arrest on May 6, 2006 by the Centreville Sheriff's Office for second degree assault. The applicant submitted a criminal system inquiry case history display from the District Court of Maryland showing it was decided not to persecute him for that charge and that all charges were disposed of on August 10, 2006. The applicant was also requested to submit evidence establishing his continuous residence and continuous physical presence in the United States. The **applicant**, in response, provided printouts from an unspecified jurisdiction that seem to relate to his May 6, 2006 arrest along with evidence relating to his residence and physical presence in this country. However, he did not submit any evidence to establish that he was eligible for late initial registration.

The applicant has not submitted any evidence to establish that he 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 next issues in this proceeding are whether the applicant has established his continuous residence in the United States since December 30, 1998, and his continuous physical presence in this country since January 5, 1999.

The applicant submitted the following documentation:

1. An undated affidavit from [REDACTED] who states he has known the applicant since November 4, 1998.
2. An undated affidavit from [REDACTED] who states he has known the applicant since July 30, 1998.
3. An undated affidavit from [REDACTED] who states he has known the applicant since January 2, 1999, and that he has worked with him on a part-time basis.
4. An undated affidavit from [REDACTED] who states he has known the applicant since July 25, 1998.
5. An undated affidavit from [REDACTED] who states he has known the applicant since October 14, 1998. undated affidavit from [REDACTED] who states he has known the applicant since November 4, 1998.
6. An undated affidavit from [REDACTED] who states he has known the applicant since November 4, 1998.
7. A copy of the applicant's Honduran passport issued in **Washington, DC**, on August 15, 2001.

Without corroborative evidence, the affidavits from acquaintances and **family** do not substantiate clear and convincing evidence of the applicant's residence in the United States. It is determined that the applicant has not submitted sufficient evidence to establish his continuous residence in the United States since February 13, 2001, or his continuous physical presence in the United States since March 9, 2001. He has, thereby, **failed** to establish that he 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 is affirmed for these additional 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 temporary protected status has the burden of proving that he or she meets the requirements cited 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.