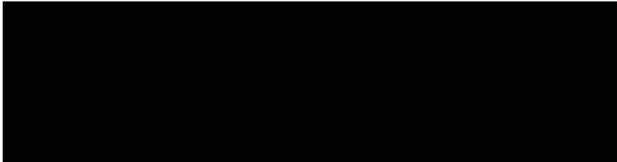




U. S. Citizenship
and Immigration
Services

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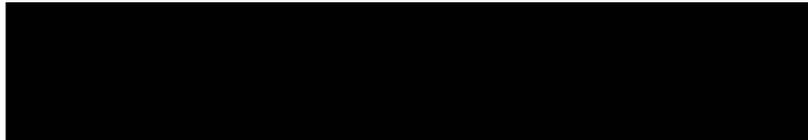
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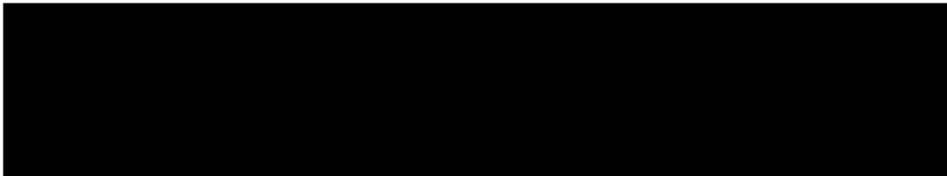
FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: MAR 06 2008
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INRE: Applicant:



APPLICATION: Application for Temporary Protected Status under Section 244 of the
Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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. Wiema Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont 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 El Salvador 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 she was eligible for late registration.

On appeal, counsel asserts that the applicant had a pending case before Citizenship and Immigration Services until February 16, 2007, and she filed her TPS application within 60 days of the denial of the pending case. Counsel asserts that a brief and/or additional evidence would be submitted within 30 days. However, more than 90 days later, no additional correspondence has been presented by counsel or the applicant.

An alien shall not be eligible for temporary protected status under this section if the Secretary of the Department of Homeland Security finds that the alien has been convicted of any felony or two or more misdemeanors committed in the United States. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

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.

Persons applying for TPS offered to El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The initial registration period for El Salvadorans was March 9, 2001, through September 9, 2002. The record reveals that the applicant filed her initial application with Citizenship and Immigration Services (CIS) on April 11, 2007.

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.

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 July 20, 2007, 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 the final court disposition for her September 3, 1992, arrest by the Glendale Police Department in California for grand theft. The applicant, in response, provided the final court disposition and documents pertaining to her Form I-485 application filed under the Legal Immigration Family Equity Act (LIFE), and her Form I-687 applications filed under section 245A of the Act.

The court disposition indicates that on September 16, 1992, the applicant was convicted of a misdemeanor offense of burglary. The applicant was sentenced to serve six days in jail and placed on probation for two years in Case no. [REDACTED]

The director determined that the documents submitted failed to establish that she was eligible for late registration and denied the application on September 28, 2007.

On appeal, counsel asserts that the applicant had a pending application until February 16, 2007.

The record reflects that the applicant's Form I-687 application under the CSSI Newman Settlement Agreements was filed on January 9, 2006, and was denied by the District Director, Los Angeles, California, on February 16, 2007. The applicant's Form I-485 application under the LIFE Act was filed on June 6, 2003, and denied by Director, Missouri Service Center, on March 3, 2004.¹ The applicant's Form I-687

¹ The applicant was issued alien registration number [REDACTED] the time this application was filed.

application under section 245A of the Act was filed on May 23, 1988, and denied by the Director, Western Service Center, on February 20, 1992.² The applicant's appeal from the denial of that application was dismissed by the AAO on July 12, 1994. On August 9, 1981, the applicant was apprehended by the United States Border Patrol in El Paso, Texas, and was deported from the United States on September 15, 1981.

As previously noted above, to qualify for late registration, the applicant must provide evidence that at the time of the *initial registration period* (March 9, 2001, to September 9, 2002) she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2). Based on the documents contained in the record, the applicant did not have an application or any relief from removal that was pending during the initial registration period. 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.

² The applicant was issued alien registration number _ at the time this application was filed.