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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



**U.S. Citizenship  
and Immigration  
Services**

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: AUG 03 2009  
[EAC 08 047 82477]

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: 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom  
Acting Chief, 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 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 determined that the applicant failed to establish he: 1) had continuously resided in the United States since February 13, 2001; 2) had been continuously physically present in the United States since March 9, 2001; and 3) was eligible for late registration. The director, therefore, denied the application.

On appeal, the applicant requests the opportunity to stay in this country and work legally to support his family. The applicant also submits evidence in an attempt to establish his qualifying continuous residence and continuous physical presence in the United States.

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 as 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 (f)(2) of this section.

*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.

*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 El Salvadorans must demonstrate that they have continuously resided in the United States since February 13, 2001, and that they have been continuously physically present in the United States since March 9, 2001. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. Subsequent extensions of the TPS designation have been granted, with the latest extension granted until September 10, 2010, upon the applicant's re-registration during the requisite period.

The initial registration period for El Salvadorans was from March 9, 2001 through September 9, 2002. The record shows that the applicant filed this application on October 23, 2007. The applicant filed his initial TPS application on April 11, 2001 under receipt number WAC 01 174 51549. The Director, California Service Center, denied that application on March 12, 2004, because the applicant failed to establish continuous residence and continuous physical presence in the United States during the qualifying period. The applicant appealed that decision on March 22, 2004. The AAO dismissed the appeal on October 5, 2005. The applicant filed a subsequent re-registration application on May 31, 2005. The Director, California Service Center, denied the re-registration application on May 24, 2006 because the applicant's initial TPS application had been denied and the applicant was not eligible for re-registration for TPS. The applicant appealed the director's decision on June 27, 2006. The AAO dismissed this appeal on February 28, 2007.

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 United States Citizenship and Immigration Services (USCIS). 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 proceeding confirms that the applicant filed his application after the initial registration period had closed. To qualify for late registration, the applicant must provide evidence that during the initial registration period from March 9, 2001 through September 9, 2002, he fell within the provisions described in 8 C.F.R. § 244.2(f)(2) (listed above). If the qualifying condition or application has expired or been terminated, the individual must file within a 60-day period immediately following the expiration or termination of the qualifying condition in order to be considered for the late initial registration. 8 C.F.R. § 244.2(g).

According to the Director, Vermont Service Center, the applicant was informed on March 12, 2004, of the reasons for the denial of his initial TPS application. The director determined that the applicant failed to provide any new and/or compelling evidence to overcome the reasons for the denial of the initial TPS application. Therefore, the director denied the current application.

On appeal, the applicant requests the opportunity to remain in the United States and work to support his family. The applicant also submits evidence in an attempt to establish his continuous residence and physical presence in the United States during the qualifying period. However, this does not mitigate the applicant's failure to file his TPS application within the initial registration period. The applicant has not submitted sufficient evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's conclusion that the applicant failed to establish his eligibility for late registration will be affirmed.

The second and third issues in this proceeding are whether the applicant has established his continuous residence in the United States since February 13, 2001, and his continuous physical presence in the United States since March 9, 2001.

In support of his TPS application, the applicant submitted:

1. A personal statement indicating that he did not apply for TPS during the initial registration period because he was afraid he would be deported and did not have any money.
2. A copy of a statement from [REDACTED]
3. A copy of his El Salvadoran Identification Card and his birth certificate with English translation.

As stated above, the applicant was requested on October 14, 2008 to submit evidence establishing his qualifying continuous residence and continuous physical presence in the United States. In response, the applicant submitted the following documentation:

4. Copies of statements from [REDACTED] and [REDACTED].

The director concluded that the applicant had failed to establish his qualifying residence and physical presence in the United States during the requisite periods and denied the application. On appeal, the applicant submits:

5. Copies of Pennsylvania Asbestos Certification with an expiration date of February 15, 2004, the applicant's Social Security Card and previously issued Employment Authorization Cards.
6. Copies of employment training certificates dated February 15, 2002, February 15, 2004, February 28, 2004, May 7, 2005, May 6, 2006, and June 9, 2007.
7. A statement from [REDACTED] and a program for her daughter's 16<sup>th</sup> birthday in Spanish, with no English translation.
8. Copies of 2001, 2003, 2004, 2005, 2006, 2007 tax documents.
9. Copies of pay stubs dated August 9, 2002, March 29, 2003, March 22, 2003, January 16, 2004, January 30, 2004, October 3, 2008, October 10, 2008, and October 17, 2008.
10. A Copy of a monthly mortgage statement from ASC dated August 26, 2008, and a State Farm Life Insurance Plan Description dated May 20, 2002.
11. Copies of a tax refund check for December 2001, a Greyhound bus ticket receipt dated December 27, 2001, an undated receipt for an identification card, and an undated Baggage Tracker Claim.

The El Salvadoran identification card and birth certificate establish the applicant's identity and nationality. Mr. [REDACTED] states that he knew the applicant in El Salvador before he came to the United States on December 7, 2000. Mr. [REDACTED] states that he has known the applicant since April 2001. Mr. [REDACTED] states that he has known the applicant since May 2001. Mr. [REDACTED] states that he has known the applicant since August 27, 2001. Ms. [REDACTED] states that she has known the applicant since July 2001. Mr. [REDACTED] states that he has known the applicant since January 2001. Ms. [REDACTED] states that she has known the applicant since February 2001. Ms. [REDACTED] states that she has known the applicant since December 2000. These statements have little evidentiary weight or

probative value. These statements are not supported by any corroborative evidence. It is reasonable to expect that the applicant would have some type of contemporaneous evidence to support these assertions; however, no such evidence has been provided. Furthermore, only [REDACTED], [REDACTED], and [REDACTED] assert that they have known the applicant since prior to the dates to establish continuous residence and continuous physical presence in the United States. The remaining evidence is dated subsequent to the dates to establish continuous residence and continuous physical presence. It is thus, of little or no probative value in establishing the applicant's continuous residence and continuous physical presence in the United States during the qualifying periods.

The applicant has not submitted sufficient evidence to establish his qualifying residence since February 13, 2001, and his continuous physical presence in the United States from March 9, 2001 to the date the application was filed. He has, therefore, 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 temporary protected status on these grounds will also be affirmed.

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 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.