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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Service  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090

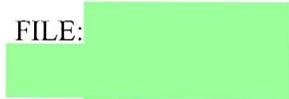


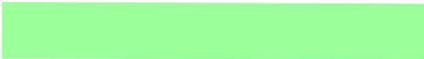
U.S. Citizenship  
and Immigration  
Services



DATE: Office: CALIFORNIA SERVICE CENTER

**FEB 11 2014**

FILE: 

IN RE: Applicant: 

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

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant claims to be a citizen of Haiti 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 he was eligible for late registration.

On appeal, the applicant reiterates the statements made in his earlier declarations.

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 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 Secretary 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.

On January 21, 2010, the Secretary designated Haiti as a country eligible for TPS. This designation allowed nationals of Haiti who have continuously resided in the United States since January 12, 2010, and who have been continuously physically present in the United States since January 21, 2010, to apply for TPS. On May 19, 2011, the Secretary re-designated Haiti for TPS eligibility which became effective on July 23, 2011. This re-designation allowed nationals of Haiti who have continuously resided in the United States since January 12, 2011, and who have been continuously physically present in the United States since July 23, 2011, to apply for TPS. The initial registration period for the re-designation began on May 19, 2011, and ended on November 15, 2011. On October 1, 2012, the Secretary announced an extension of the TPS designation for Haiti until July 22, 2014, upon the applicant's re-registration during the requisite time period.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) 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).

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 U.S. 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 record reflects that the applicant filed his initial TPS application on March 2, 2012. Along with his application, the applicant submitted a declaration stating that on October 18, 2011, he had submitted Forms I-821, Application to Temporary Protected Status, and I-765, Application for Employment Authorization, to a lawyer's office; that since that time he had not received any correspondence from USCIS; and that he contacted the lawyer's office, but his attempts were in vain.

On August 13, 2012 the director denied the application as the applicant failed to establish eligibility for late registration. The applicant filed a motion to reopen, which was denied by the director on June 26, 2013.

The applicant filed the current TPS application on September 17, 2012.

On June 26, 2013, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). In response, the applicant asserted, in pertinent part:

On February, 2012, I had call USCIS, in order to get the status of my application, but the Immigration Officer that I spoke with, stated they never received such applications, therefore, I was asked by the immigration Officer to re-submit them. In the same month, for a second Time, I had re-submitted copies of both applications (I-821 & I-765) along with copy for the fee waiver (I-912) that I did. And this time they were received by the USCIS office on March 2<sup>nd</sup>, 2012.

As I previously mentioned in the previous request that I sent to your office, I was not the one, who mailed the applications, I left them at the preparer's office, so the He could mailed them for me, it seems like he did not mail them on time or never mailed them for me.

The applicant asserted that he has not departed the United States since his entry, and that because he entered the United States without inspection it has been difficult obtaining evidence. The applicant requested that his TPS application be reconsidered and approved. The applicant submitted copies of his son's birth certificate and Florida Medicaid card, a deposit statement from [REDACTED], an identification card (without photo) from a community school in [REDACTED] Florida, and a money gram transfer receipt.

The director acknowledged the receipt of the initial TPS application, but indicated that there was no evidence that the applicant had submitted an application prior to or on November 15, 2011. The director determined that other than his statement, the applicant neither provided evidence of an attempt to file for TPS prior to the registration deadline nor evidence demonstrating ineffective assistance of his purported preparer.

The director concluded that the applicant had failed to establish he was eligible for late registration and denied the application on October 9, 2013.

The applicant contends that the failure to submit his TPS application during the initial registration period was caused by his preparer. However, no statement from the alleged preparer has been submitted to corroborate the applicant's claim. Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). It is noted that the initial TPS application filed March 2, 2012, was signed on October 18, 2011, and does not reflect that anyone other than the applicant prepared the application, as no information is listed at part 7 of the application; part 7 of the application requests the name, address and signature of the person preparing the form.

On appeal, the applicant reiterates the statements made in his earlier declarations. The applicant's statements were considered by the director in her decision prior to the denial of the application. As such, the issue on which the underlying decision was based has not been overcome on appeal. The provisions for late registration detailed in 8 C.F.R. § 244.2(f)(2) were created in order to ensure that TPS benefits were made available to aliens who did not register during the initial registration period for the various circumstances specifically identified in the regulations. The applicant has not submitted evidence that he has met one of those provisions outlined in 8 C.F.R. § 244.2(f)(2). Therefore, 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.