



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **MAY 16 2014**

Office: VERMONT SERVICE CENTER

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

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,

Ron Rosenberg
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 Syria 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 had continuously resided in the United States and had been continuously physically present in the United States since March 29, 2012.

On appeal, the applicant requests that the AAO take into consideration that, “I am self-independent. I have a bachelor’s degree and I am looking for work to fit my schedule while myself [sic] teaching kids Arabic as a second language. All I want is to be supportive to myself and to my parents because both my parents are alien residents.” The applicant requests that her application be reconsidered.

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, now the Secretary, Department of Homeland Security (Secretary), 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.

The term *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 term *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.

On March 29, 2012, the Secretary designated Syria as a country eligible for TPS. This designation allowed nationals of Syrian Arab Republic (and persons without nationality who last habitually resided in Syria) who have continuously resided and who have been continuously physically present in the United States since March 29, 2012, to apply for TPS. On June 17, 2013, the Secretary re-designated Syria for TPS eligibility which became effective on October 1, 2013. This re-designation allowed nationals of Syrian Arab Republic (and persons without nationality who last habitually resided in Syria) who have continuously resided in the United States since June 17, 2013, and who have been continuously physically present in the United States since October 1, 2013, to apply for TPS. The initial registration period for the re-designation began on June 17, 2013, and ended on December 16, 2013. On June 17, 2013, the Secretary announced an extension of the TPS designation for Syria until March 31, 2015, upon the applicant's re-registration during the requisite time period.

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 applicant filed her TPS application on September 3, 2013. Along with her TPS application, the applicant submitted a copy of her passport, which indicated that she was admitted into the United States on August 2, 2013, as a non-immigrant visitor.

On November 18, 2013, the applicant was informed of her August 2, 2013 date of entry into the United States. The applicant was advised that to meet continuous residence requirements an entry of June 17, 2013 or prior was required. The applicant was requested to submit evidence establishing her continuous residence since June 17, 2013, and physical presence since October 1, 2013 in the United States. The applicant, in response, asserted that she was not able to comply with the director's request because she resided with her mother and the rent, utility bills, etc., were under her name.

The director determined that the applicant had failed to address her August 2, 2013 entry date into the United States. The director concluded that the applicant failed to submit sufficient evidence to establish her eligibility for TPS and denied the application on January 27, 2014.

The applicant's statements on appeal have been considered. However, the applicant's arrival into the United States was subsequent to the eligibility period. Therefore, she cannot meet the criteria for continuous residence. 8 C.F.R. § 244.2(c). The applicant has also failed to submit sufficient evidence to establish continuous physical presence in the United States since October 1, 2013 as described in 8 C.F.R. § 244.2(b). Consequently, the director's decision to deny the application for TPS on these grounds will be affirmed.

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NON-PRECEDENT DECISION

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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.