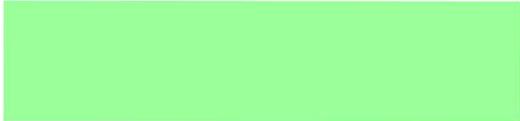




U.S. Citizenship
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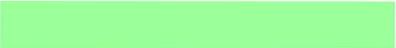


DATE: **OCT 08 2014**

Office: VERMONT SERVICE CENTER



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, 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 Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

On November 21, 2011, the director denied the application because the applicant failed to establish that she was eligible for late registration. The director also denied the application because the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

On appeal, the applicant states that the director erred in his decision to deny her application. The applicant states that she has demonstrated physical presence in the United States for the required period. The applicant submits additional evidence in an attempt to establish 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 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 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.

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.

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 designation of TPS for Hondurans has been extended several times, with the latest extension valid until [REDACTED] 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 first issue in this proceeding is whether the applicant is eligible for late registration.

The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. 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 record reveals that the applicant filed her initial TPS application on July 18, 2011.

On September 7, 2011, 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, in response, only provided documentation relating to her residence and physical presence in the United States. The director determined that the applicant had failed to establish she was eligible for late registration and denied the application.

On appeal, the applicant neither addresses the finding of her ineligibility as a late registrant nor provides any evidence to establish her eligibility as a late registrant. 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 she has met one of those provisions outlined in 8 C.F.R. § 244.2(f)(2).

Consequently, the director's conclusion that the applicant had failed to establish her eligibility for late registration will be affirmed.

The second and third issues in this proceeding are whether the applicant has established her continuous residence in the United States since December 30, 1998, and her continuous physical presence in the United States since January 5, 1999.

The applicant was requested on September 7, 2011 to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. In response, the applicant submitted the following documentation:

- Bank statements from [REDACTED] for the period August 11, 2009 through September 9, 2009, and [REDACTED] for the period May 14, 2014 through August 14, 2013.
- A Form W-2, Wage and Tax Statement for 2007 from [REDACTED] Georgia.
- Lease contracts dated March 15, 2000 from [REDACTED] in Texas and November 1, 2005 from [REDACTED] in Georgia.
- A receipt from [REDACTED] dated July 2, 2002.
- Receipts dated July 2, 2002.
- A cellular phone bill dated May 12, 2004, from [REDACTED] Texas.
- A medical document from [REDACTED] regarding a visit on December 23, 2008.
- A medical billing statement dated January 15, 1999 from [REDACTED] Texas for services rendered at [REDACTED]
- A money gram receipt dated April 25, 2010 from [REDACTED]

The director concluded that the evidence submitted was insufficient to establish continuous residence and continuous physical presence in the United States during the requisite periods and denied the application.

On appeal, the applicant submits a photocopy of a car insurance document dated December 28, 1998 from [REDACTED] and a cellular phone receipt dated February 15, 1999 from [REDACTED]

We find, however, that the documents submitted throughout the application process are not sufficient, reasonable, substantial, and probative to support a claim of continuous residence and continuous physical presence in the United States during the requisite periods. Specifically:

- The lease contract dated March 15, 2000 has no probative value as it is incomplete (page 1 of 7 was only provided), it is not signed and rent receipts or utility statements were not submitted to corroborate the lease. Further, the receipt dated July 2, 2002 from [REDACTED] is suspect as the lease contract provided ended on March 15, 2001.
- It is reasonable to expect that as the applicant has kept the billing statement for [REDACTED] she would have the documentation relating to the actual visit to the [REDACTED]. Further, the billing statement from [REDACTED] lacks probative value and is not amenable to verification as it does not show a medical treatment and date of the treatment of the applicant as required in 8 C.F.R. § 244.9(a)(2)(iv).
- The documents from [REDACTED] list an address for the applicant, but no evidence was submitted to corroborate the address during that timeframe.

It is noted that according to the Franchise Tax Certification of Account Status of the Texas [REDACTED] was not established until February 10, 2010.¹ Therefore, the reliability of the invoice offered by the applicant is suspect.

Doubt cast on any aspect of an applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

It must be concluded that the applicant has failed to establish by a preponderance of the evidence that it is more likely than not that she has resided continuously since December 30, 1998, and has been continuously physically present since January 5, 1999, in the United States. The applicant has, therefore, failed to establish that she has met the criteria described in 8 C.F.R. § 244.2(b) and (c).

¹ See [https://\[REDACTED\]](https://[REDACTED])

Consequently, the director's decision to deny the application for TPS 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 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.