



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **APR 10 2015** Office: VERMONT SERVICE CENTER

FILE: [REDACTED]
I-290B: [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 for Temporary Protected Status was denied by the Director, Vermont Service Center, and the matter 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. § 1254a. On March 14, 2014, the director denied the application because the applicant had not established that she was eligible for late registration. The director also denied the application because the photocopied documents the applicant submitted did not demonstrate that she had continuously resided in the United States since February 13, 2001, and that she had been continuously physically present in the United States since March 9, 2001.

On appeal, the applicant asserts that she has resided in the state of North Carolina since 2000. The applicant provides additional evidence in an attempt to establish continuous residence and continuous physical presence in the United States during the requisite periods.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant is eligible for TPS only if the applicant establishes 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. *Id.*

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. *Id.*

Persons applying for TPS offered to Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The designation of TPS for Salvadorans has been extended several times, with the latest extension valid until September 9, 2016, upon the applicant's re-registration during the requisite time period.

The burden of proof is upon the applicant to establish that the above requirements are met. 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. 8 C.F.R. § 244.9(b). To meet his or her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. *Id.*

The first issue in this proceeding is whether the applicant has demonstrated she is eligible for late registration.

The initial registration period for Salvadorans was from March 9, 2001 through September 9, 2002. To qualify for late registration, the applicant must provide evidence that during the initial registration period she met one of the conditions described in 8 C.F.R. § 244.2(f)(2) above.

The record reflects that the applicant filed her initial application on July 15, 2013. On October 13, 2013, 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, in denying the application, determined that the applicant had not established her eligibility for late registration.

On appeal, the applicant neither addresses nor provides evidence on the finding of her ineligibility as a late registrant. The remainder of the record also does not contain documentation on this issue. Therefore, we affirm the director's decision that the applicant has not submitted sufficient evidence to show that she has met any of the provisions outlined in 8 C.F.R. § 244.2(f)(2).

The second and third issues to be addressed are whether the applicant has established her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001.

On October 13, 2013, the applicant was also requested to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. The applicant was informed that the photocopied documents accompanying her TPS application appeared to have been altered as her name was in a different font and was not aligned properly. The applicant was advised that originals must be submitted if she wanted the documents to be used as evidence. The applicant, in response, provided photocopies of documents that were previously submitted along with photocopies of additional documents from creditors and vendors that the director determined had appeared altered in the same manner as the documents that were initially provided with her application. The director concluded that the applicant had not submitted credible evidence to establish her qualifying continuous residence and continuous physical presence in the United States.

On appeal, the applicant provides copies of documents that were previously submitted along with photocopies of other documents, such as billing statements and correspondence from companies, from 2001 to 2011. However, the applicant has not provided an explanation, or submitted any objective evidence, to address concerns raised about the apparent alteration of the documents previously submitted. Furthermore, we note that with respect to the documents submitted on appeal, the applicant's name and address are in the same style of font and format on the documents from every vendor and/or creditor, and the city and state in the address fields are not capitalized on the documents.

The applicant is responsible for the ambiguities in the record, and it is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Any attempt to explain or reconcile such conflicting accounts will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Id.* In this case, the applicant has provided no explanation, nor

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has she submitted any competent objective evidence resolving the issue of the authenticity and credibility of the documents.

As such, we affirm that the applicant has not met her burden of demonstrating her continuous residence in the United States from February 13, 2001 and her physical presence in the United States since March 9, 2001, as required for TPS applicants from El Salvador under 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS on these grounds is also affirmed.

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.