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



U.S. Citizenship  
and Immigration  
Services

DATE: **AUG 06 2015**

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:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

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

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the application. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and 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. § 1254a. On August 19, 2014, the director denied the application because the applicant failed to establish continuous residence since June 17, 2013, and continuous physical presence since October 1, 2013 in the United States.

On appeal, the applicant asserts that he has been continuously residing in the United States since his entry in June 2013. The applicant submits additional evidence to demonstrate 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 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, 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 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. *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.*

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, 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. On January 5, 2015, the Secretary announced an extension of the TPS designation for Syria until September 30, 2016, 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. 8 C.F.R. § 244.9(b). To meet this burden of proof the applicant must provide supporting documentary evidence of eligibility apart from the applicant's own statements. *Id.*

The applicant filed this TPS application on August 8, 2013. The record contains copies of the applicant's Arrival-Departure Record (Form I-94), biographical page of his Syrian passport, and the biographical page of his U.S. visa issued on May 28, 2013 in [REDACTED] Lebanon. The U.S. visa biographical page and Form I-94 indicate that the applicant was admitted into the United States on June 26, 2013 as a nonimmigrant student (F-1).

On May 8, 2014, a Request for Evidence was issued which requested the applicant to submit evidence establishing his continuous residence since June 17, 2013 and continuous physical presence since October 1, 2013 in the United States. In response, the applicant provided a rental agreement entered into on July 1, 2013 between [REDACTED] the applicant and the applicant's brother for property at [REDACTED]. The applicant also submitted a temporary driver's permit issued in New Jersey on November 4, 2013 and a GED Testing document dated November 26, 2013 from [REDACTED] in [REDACTED] New Jersey.

The director, in denying the application, determined that the applicant had failed to establish eligibility for TPS as the evidence of record did not reflect continuous residence since June 17, 2013 and continuous physical presence since October 1, 2013 in the United States.

On appeal, the applicant submits:

- An employment letter dated August 26, 2014 from [REDACTED] of [REDACTED] New Jersey, who attests to the applicant's employment at the facility since July 10, 2013.
- A statement from [REDACTED] New Jersey indicating that an account was opened in the applicant's name on October 4, 2013.

- Bank statements from [REDACTED] from November 2013 through August 2014.

The applicant's statements on appeal have been considered. However, the applicant arrived in the United States subsequent to the eligibility period to establish continuous residence. Therefore, under this re-designation,<sup>1</sup> he cannot meet the criteria for continuous residence in the United States since June 17, 2013, as described in 8 C.F.R. § 244.2(c). The applicant has also not provided sufficient evidence to establish continuous physical presence since October 1, 2013. No corroborating evidence, such as pay stubs or wage and tax statements, has been provided in support of the employment letter. Similarly, no corroborating evidence, such as rent receipts, has been provided in support of the rental agreement. The bank statement only serves to establish the applicant's presence in the United States since October 4, 2013. The applicant has, thereby, failed to establish that he has met the criteria 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.

The appeal is dismissed for the above stated reasons, with each considered as an independent and alternative basis for dismissal. 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.

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<sup>1</sup> On January 5, 2015, the Secretary re-designated Syria for TPS eligibility which became effective on April 1, 2015. The current 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 January 5, 2015 and who have been continuously physically present in the United States since April 1, 2015, to apply for TPS. The initial registration period for the current re-designation began on January 5, 2015 and ended on July 6, 2015. *See* 80 FR 245.