



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUN 01 2015**

FILE:

APPLICATION RECEIPT #:

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:

NO REPRESENTATIVE OF RECORD

INSTRUCTIONS:

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) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to 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 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. § 1254a. On September 2, 2014, the director denied the application because the applicant failed to establish that she has continuously resided in the United States since June 17, 2013. The director also denied the application because the applicant failed to submit a police clearance certificate.

On appeal, the applicant submits a fingerprint card and statements from family and acquaintances that she has been residing in the United States since arriving in June 2013.

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. That previous 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.¹

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).

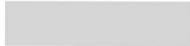
The applicant filed her TPS application on September 12, 2013. On March 4, 2014, the applicant was requested to submit evidence establishing her continuous residence in the United States since June 17, 2013. The applicant was also informed that since her fingerprints had been rejected as unclassifiable by the Federal Bureau of Investigation (FBI) she needed to submit a police clearance certificate for each jurisdiction where she had resided for six months or more in the past three years.

The director determined that the applicant had failed to respond to the request for evidence and thus failed to establish her eligibility for TPS and denied the application.

On appeal, the applicant submits statements from her son and her spouse and a copy of an email statement from the director of the [REDACTED] West Virginia, [REDACTED], where the applicant's son is a resident doctor, claiming that the applicant has lived with her son since arriving in the United States in June 2013. Although they will be given some consideration under 8 C.F.R. § 244.9(a)(2)(vi)(L) as other relevant documents, affidavits from family members and acquaintances alone generally are not sufficient to establish continuous residence. The applicant has not submitted documentation as indicated in the Form I-821 filing instructions found at <http://www.uscis.gov>.

On appeal the applicant also submits an FD-258 fingerprint card and a note explaining that a police department in West Virginia recommended she submit these fingerprints for a security clearance. USCIS processes fingerprint cards for immigration benefits only if an authorized fingerprint site prepares them. Authorized fingerprint sites include USCIS offices, Application Support Centers (ASCs), and U.S. consular offices and military installations abroad. The record reflects that the

¹ 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. On January 5, 2015, the Secretary also re-designated Syria for TPS eligibility which became effective on April 1, 2015. The current re-designation allowed nationals of 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 ends on July 6, 2015.



applicant's fingerprints have been twice rejected by the FBI as unclassifiable, thus the director requested the applicant to submit a police clearance certificate.

The applicant has not submitted sufficient evidence to establish continuous residence in the United States since June 17, 2013, and continuous physical presence since October 1, 2013, the requisite periods, nor has she submitted police clearance certificates. The applicant has therefore failed to establish that she has met the criteria described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS will be 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.