



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF A-B-L-

DATE: AUG. 18, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

APPLICATION: FORM I-821, APPLICATION FOR TEMPORARY PROTECTED STATUS

The Applicant, a native and citizen of Liberia, seeks Temporary Protected Status (TPS). *See* Immigration and Nationality Act (the Act) section 244, 8 U.S.C. § 1254a. TPS provides lawful status and protection from removal for foreign nationals, of specifically designated countries, who register during designated periods, satisfy country-specific continuous residence and physical presence requirements, are admissible to the United States, are not firmly resettled in another country, and are not subject to certain criminal- and security-related bars.

The Director, Texas Service Center, denied the application. The Director concluded that the Applicant did not demonstrate that she met United States continuous physical presence and residence requirements for TPS eligibility.

The matter is now before us on appeal. In the appeal, the Applicant submits additional evidence and claims that the evidence contained in the record demonstrates that she has been continuously physically present in the United States since June 2014, and that she is eligible for TPS.

Upon *de novo* review, we will dismiss the appeal. The evidence, including the additional evidence submitted on appeal, is insufficient to establish that the Applicant fulfilled the continuous physical presence and residence requirements for TPS.

I. LAW

The Applicant is seeking TPS. Section 244 of the Act and the related regulations in 8 C.F.R. § 244.2, provide the eligibility standards for TPS.

Section 244(b)(1) of the Act, 8 U.S.C. § 1254(b), provides that the Secretary, Department of Homeland Security, may designate foreign states for TPS based on country conditions. To qualify for TPS or maintain TPS status under section 244(c)(1)(A) of the Act, an applicant must demonstrate, among other things, continuous physical presence and residence in the United States from specific country-dependent dates.

The burden of proof is upon the Applicant to establish that the above requirements are met. *See* 8 C.F.R. § 244.9(a)(3). Applicants shall submit all documentation as required in the instructions or

requested by United States 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.*

## II. ANALYSIS

At issue in this case is whether the Applicant has established continuous physical presence in the United States since November 21, 2014, and continuous U.S. residence since November 20, 2014.

The record reflects that the Applicant submitted a partial copy of her Liberian passport when she filed her Form I-821 in March 2015. In response to a request for additional evidence of continuous physical presence and residence in the United States, the Applicant submitted: a letter from a friend; additional copies of her passport, with admission and departure stamps; flight itinerary and airline ticket information; and medical documentation. On appeal, the Applicant submits an attestation letter from her church pastor; an additional affidavit from a friend; copies of her passport and Customs and Border Patrol (CBP) arrival and departure information; and a friend's bank records. The Applicant asserts that the evidence demonstrates that she has not departed the United States since her arrival in June 2014, and that she meets requirements for TPS eligibility.

The entire record has been reviewed and considered. Upon review, we find that the evidence in the record is insufficient to establish the Applicant's continuous physical presence and residence in the United States during the requisite time periods.

### A. Continuous Physical Presence

The Applicant asserts that she has been continuously physically present in the United States since the effective date of the most recent designation of Liberia for TPS.

The regulation at 8 C.F.R. § 244.1 provides:

*Continuously physically present* 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.

Persons applying for TPS offered to Liberians (and persons without nationality who last habitually resided in Liberia) must demonstrate that they have been continuously physically present since November 21, 2014. The TPS designation has been extended, with the latest extension valid until November 21, 2016.

The Applicant states that she entered the United States in June 2014, and that she has not left the country since that time. She claims that she does not have employment or school records, or rent or utility bills in her name. The Applicant indicates, though, that her passport arrival and departure

(b)(6)

*Matter of A-B-L-*

stamps and CBP travel history records demonstrate that she has not departed the country since June 2014. She also claims that evidence shows she went to the hospital in September 2014, and she contends that attestation, affidavit, and bank records further establish her continuous physical presence in the United States since June 2014.

The arrival stamp evidence contained in the Applicant's Liberian passport demonstrates that she was admitted into the United States at [REDACTED] on [REDACTED] 2014. Flight itinerary and airline ticket purchase evidence also reflects that the Applicant traveled to the United States on that date. The Applicant's passport and CBP records do not reflect a departure from the country. The Applicant indicates that the lack of departure evidence in her passport and in CBP records entitles her to a presumption that she has remained in the United States since June 2014. However, the Act does not provide for such a presumption. Rather, the Applicant is required to submit sufficient evidence to establish her continuous physical presence in the country since November 21, 2014. Here, the Applicant's passport and CBP records demonstrate only that she was present in the United States in June 2014, which was prior to the designation date for TPS.

Similarly, although medical records reflect that the Applicant received medical care in New Jersey in September 2014, these records pertain to a time period that occurred prior to the November 2014 designation date for TPS. The records therefore do not demonstrate that the Applicant was physically present in the United States during the requisite time period.

A friend states in a letter that he is responsible for the Applicant's well-being, and that she has lived with him since her arrival in the country in June 2014. However, the statements lack details regarding residence dates, living arrangements, and shared experiences, and they are unsupported by corroborative documentary evidence. *See Matter of Kwan*, 14 I&N Dec. 175, 176-77 (BIA 1972) (affidavits should state the nature of the affiant's relationship, set forth the basis of the affiant's knowledge, and state facts the affiant knows rather than mere conclusory statements); *Matter of Y-B-*, 21 I&N Dec. 1136, 1139 (BIA 1998) (specific, detailed, and credible testimony or a combination of detailed testimony and corroborative background evidence is necessary to meet burden of proof.)

A second friend states in an affidavit that he met the Applicant in November 2014, that she is his brother's fiancée, that he visits her residence in [REDACTED] almost every weekend, and that they attend social events together on a regular basis. These statements are also not supported by corroborative documentary evidence, and they lack specificity with regard to dates and shared experiences, and regarding the affiant's knowledge of the Applicant's presence in the country. *See Matter of Kwan*, 14 I&N Dec. at 176-77, *supra*; *Matter of Y-B-*, 21 I&N Dec. at 1139, *supra*.

In addition, the Applicant's pastor indicates in an attestation letter that he met the Applicant at his ministry in August 2014, that she attends worship services, and that he and other members of the ministry have been in touch with the Applicant by phone or in person through various worship assemblies. The attestation does not conform to basic requirements specified in 8 C.F.R.

§ 244.9(a)(2)(v)(D), however, in that it does not discuss the address where the Applicant resided during the membership period.

Bank records contained in the record also do not establish the Applicant's continuous physical presence in the country since November 2014. Although the Applicant claims that the bank records demonstrate that she had a mobile phone account during the requisite time period, the records are for a friend's rather than the Applicant's own, bank account, and reflect only that a recurring mobile account charge has been deducted from his account since October 2014. The records do not state who the owner of the mobile phone account is, and do not demonstrate the Applicant's physical presence in the United States.

Upon review, the evidence submitted by the Applicant either pertains to time periods prior to the November designated date for TPS, or is uncorroborated and lacks specificity with regard to the Applicant's continuous physical presence in the United States. The evidence is therefore insufficient to demonstrate that the Applicant has been continuously physically present in the United States since November 21, 2014.

#### A. Continuous Residence

The Applicant also contends that she has continuously resided in the United States since the date designated for Liberia, and in accordance with section 244(c)(1)(A)(ii) of the Act.

The regulation at 8 C.F.R. § 244.1 provides:

*Continuously resided* 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 Liberians (and persons without nationality who last habitually resided in Liberia) must demonstrate that they have continuously resided in the United States since November 20, 2014.

In the present matter, the evidence in the record is insufficient to demonstrate that the Applicant has resided continuously in the United States since November 20, 2014. As discussed above, passport and CBP records, as well as medical record evidence contained in the record pertain to time periods that occurred prior to the November 2014 designation date for TPS. This documentation therefore does not demonstrate that the Applicant has resided continuously in the United States since November 2014. In addition, the affidavit statements in the record are uncorroborated by documentary evidence and lack details about shared residence and experiences, and regarding the dates of the Applicant's residence in the country. The attestation letter contained in the record is also general in nature, and it does not conform to basic requirements specified in 8 C.F.R. § 244.9(a)(2)(v), and bank records submitted by the Applicant are not her own, do not refer to the Applicant by name, and do not otherwise demonstrate

*Matter of A-B-L-*

the Applicant's residence in the United States. Therefore, we also conclude that the Applicant has not demonstrated continuous residence in the United States since November 20, 2014.

### III. CONCLUSION

An applicant for TPS has the burden of proving that he or she meets the requirements for this benefit and is otherwise eligible under the provisions of section 244 of the Act. The Applicant has not established eligibility for TPS. Accordingly, we dismiss the appeal.

**ORDER:** The appeal is dismissed.

Cite as *Matter of A-B-L-*, ID# 16501 (AAO Aug. 18, 2016)