



U.S. Citizenship  
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **DEC 04 2007**  
[WAC 01 296 55351]

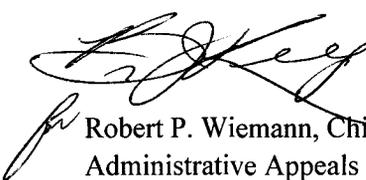
IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be sustained. The decision of the director will be withdrawn, and the application will be approved.

The applicant is a native and 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. § 1254.324

The director denied the application on the ground that the applicant failed to establish that he was eligible for late registration.

On appeal, the applicant submits additional documentation.

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 designated by the Attorney General is eligible for temporary protected status 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 Attorney General 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 TPS 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.

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 initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record reveals that the applicant filed his initial Form I-821, Application for Temporary Protected Status, with the Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS), on September 19, 2001, more than two years after the initial registration period had expired.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The burden of proof is upon the applicant to establish that he meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 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 burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his own statements. 8 C.F.R. § 244.9(b).

On April 5, 2002, and again on August 3, 2002, the applicant was requested to submit evidence in support of his application. In response, the applicant provided documentation to establish his qualifying continuous residence in the United States since December 1998, and continuous physical presence since January 5, 1999. The applicant also submitted his birth certificate, a letter from his father, [REDACTED] and photocopies of Employment Authorization Documents (EADs) issued to his father on July 6, 2000 (valid through July 5, 2001), and July 6, 2002 (valid through July 5, 2003).

The director determined that the applicant had failed to establish that he was eligible for late registration and denied the application on November 21, 2002.

On appeal, the applicant submits additional documentation to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods.

A review of the alien registration file relating to the applicant's father reflects that the father's initial TPS application was filed on August 2, 1999, and approved on April 3, 2000. Based on that approval, the father obtained EADs valid through July 5, 2003. On January 2, 2002, the applicant's father filed a Form I-485, Application to Register Permanent Residence or Adjust Status, pursuant to § 1104 of Public Law 106-553, Legal Immigration Family Equity (LIFE) Act and Public Law 106-554, LIFE Act Amendments (LIFE Legalization) and 8 C.F.R. § 245a. That application was denied on March 11, 2004, in part, because the father failed to submit the final court dispositions of all criminal charges against him.

The evidence of record confirms that the applicant, who was born in Honduras on May 20, 1984, was under the age of twenty-one years and the child of a TPS-eligible alien during the initial registration period from January 5, 1999 through August 20, 1999, as well as at the time he filed his TPS application in September 2001. Therefore, that the applicant has met the criteria for late registration described in 8 C.F.R. § 244.2(f)(2)(iv). There are no other known grounds of ineligibility; therefore, the appeal will be sustained, the director's decision will be withdrawn and the application will be approved.

An alien applying for temporary protected status 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 met this burden.

**ORDER:** The appeal is sustained. The decision of the director is withdrawn, and the application is approved.