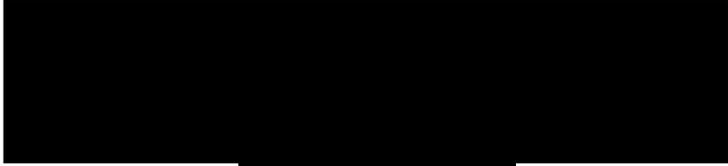




U.S. Citizenship  
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invasion of personal privacy**



MH

FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: **JAN 30 2007**  
[WAC 05 209 79253]

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, and 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. § 1254.

The director denied the application because the applicant had failed to establish: (1) that she was eligible for late registration; (2) her nationality and identity; and (3) that she had continuously resided in the United States since February 13, 2001, and had been continuously physically from March 9, 2001, to the date of filing the application.

On appeal, the applicant submits a statement and additional evidence.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an alien 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 § 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 condition described in paragraph (f)(2) of 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.

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.

Persons applying for TPS offered to El Salvadorans must demonstrate that they have continuously resided in the United States since February 13, 2001, and that they have been continuously physically present in the United States since March 9, 2001. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until September 9, 2007, upon the applicant's re-registration during the requisite time period.

The initial registration period for El Salvadorans was from March 9, 2001, through September 9, 2002. The record shows that the applicant filed her initial application on April 27, 2005.

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 Citizenship and Immigration Services (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 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 first issue in this proceeding is whether the applicant is eligible for late registration.

The record of proceeding confirms that the applicant filed her application after the initial registration period had closed. To qualify for late registration, the applicant must provide evidence that during the initial registration period from March 9, 2001 through September 9, 2002, she fell within the provisions described in 8 C.F.R. § 244.2(f)(2) (listed above).

In a Notice of Intent to Deny dated February 27, 2006, 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 director noted that in response, the applicant had failed to provide any evidence to establish eligibility for late registration, and denied the application on May 1, 2006.

On appeal, the applicant asserts that she is 15 years of age and depends on her parents for payment and guidance, that she did not know there was a TPS program, and although her parents knew, they did not have the money to pay the fee.

The applicant has failed to submit any evidence to establish that she has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the TPS application on this ground will be affirmed.

The second issue in this proceeding is whether the applicant has established her nationality and identity.

In a Notice of Intent to Deny dated February 27, 2006, the applicant was requested to submit evidence to establish her nationality and identity. In response, the applicant submitted a copy of an El Salvadoran passport issued to the applicant at Los Angeles, California, on January 31, 2006.

The applicant has, therefore, overcome this ground for denial.

The third issue in this proceeding is whether the applicant has established her continuous residence in the United States since February 13, 2001, and continuous physical presence from March 9, 2001, to the date of filing the TPS application.

In support of her TPS application, the applicant submitted:

1. A statement dated February 22, 2005, from [REDACTED] indicating that he has known the applicant since January 2000, and that the applicant is a good friend of his family.

In a Notice of Intent to Deny dated February 27, 2006, the applicant was requested to submit additional evidence establishing her qualifying continuous residence and continuous physical presence in the United States. In response, the applicant submitted:

2. A copy of a school transcript from San Marcos High School, Santa Barbara, California, indicating an entry date at that school on July 6, 2005.

The director determined that the evidence furnished by the applicant was insufficient to establish continuous residence since February 13, 2001, and continuous physical presence since March 9, 2001, and denied the application on May 1, 2006.

On appeal, the applicant asserts that the lack of a work permit would cause hardship because she needs to continue her studies and she would not like to return to her home country. She resubmits a copy of her school transcript (No. 2 above). She also submits:

3. A statement dated May 27, 2006, from [REDACTED] indicating that he has known the applicant since November 2000 as her father has worked for him since that time.

The statements from [REDACTED] (No. 1 above) and [REDACTED] (No. 3 above) fail to provide any specifics regarding the nature, circumstances, or origin of the affiants' acquaintanceship with the applicant, how often they see the applicant, and the address where the applicant resided during the time of their acquaintances. Furthermore, the statements were not notarized or attested to under penalty of perjury. Regulations at 8 C.F.R. § 244.9(a)(2) do not expressly provide that personal affidavits on an applicant's behalf are sufficient to establish the applicant's qualifying continuous residence or continuous physical presence in the United States. Moreover, the statements were not supported by any other corroborative evidence. The applicant claimed to have lived in the United States since January 2000. It is reasonable to expect that the applicant would have some other type of contemporaneous evidence to support her claim; however, no such evidence has been provided. The remaining evidence only establishes the applicant's residence and physical presence since the filing of the TPS application on April 27, 2005.

Accordingly, the applicant has failed to establish that she has met the criteria for continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001, as described in 8 C.F.R. § 244.2(b) and (c). Consequently, the TPS application will also be denied on this ground.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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 failed to meet this burden.

**ORDER:** The appeal is dismissed.