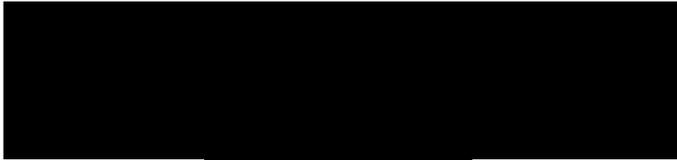


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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE:
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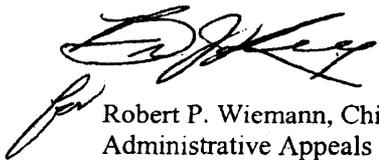
IN RE: Applicant: [REDACTED]

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 that he: (1) was eligible for late registration; and (2) had continuously resided in the United States since February 13, 2001, and had been continuously physically present 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 his initial application on May 11, 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 his 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, he fell within the provisions described in 8 C.F.R. § 244.2(f)(2) (listed above).

In a notice of intent to deny dated May 17, 2006, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The director determined that in response, the applicant had failed to submit any evidence to establish that he was eligible for late registration and denied the application on August 7, 2006.

On appeal, the applicant requests that the director's decision be reconsidered. He states that he applied for late initial registration and that he did submit evidence to prove that he is eligible for TPS.

The record of proceeding, however, contains no evidence to establish the applicant's assertion that he had submitted evidence of his eligibility for late registration.

The applicant has failed to submit any evidence to establish that he 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 application on this ground will be affirmed.

The next issue in this proceeding is whether the applicant has established his 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.

The applicant claimed to have entered the United States on January 15, 2001. In support of his TPS application, the applicant submitted:

1. A letter of employment dated March 2, 2005, from [REDACTED] General Contractor, Woodland Hills, California, indicating that the applicant has been employed with the company since February 2, 2001.
2. Copies of money transfer receipts from BancoSal Inc., Van Nuys, California, dated September 13, 2001, September 25, 2001, and March 20, 2002.

In a notice of intent to deny (NOID) dated May 17, 2006, the applicant was requested to submit additional evidence establishing his qualifying continuous residence and continuous physical presence in the United States. In response, the applicant resubmitted a copy of the letter of employment (No. 1 above), and the original money transfer receipt dated September 25, 2001 (listed in No. 2 above). He also submitted:

3. A statement dated June 18, 2006, from the applicant written in the Spanish language, without English translation as required by 8 C.F.R. § 103.2(b)(3).
4. A copy of a student identification card issued to the applicant by Van Nuys Community Adult School for the school years 2002-2003. It is noted that the card contains an incorrect date of birth of the applicant.

The director noted that the applicant's response to the NOID was insufficient to show that he has met the physical presence and residency requirements as required by regulations, and denied the application on August 7, 2005.

On appeal, the applicant requests that the director's decision be reconsidered. He states that he did submit evidence to prove that he is eligible for TPS, and that he is submitting more evidence to support his application. The applicant resubmits copies of the three money transfer receipts listed in No. 2 above, and a copy of the student identification card listed in No. 4 above. He also submits:

5. Copies of two envelopes addressed to the applicant postmarked January 2001 (the complete date is illegible), and February 8, 2001.

The evidence furnished by the applicant establishes that he was in the United States from February 2001 to March 2002. However, no evidence was furnished to establish continuous residence and continuous physical presence from March 2002 to the date of filing the TPS application on May 11, 2005.

The applicant has failed to establish that he has met the criteria for continuous residence and continuous physical presence in the United States as described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application will be affirmed.

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.