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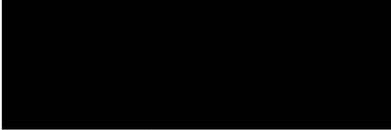
**M1**

U.S. Department of Homeland Security

Citizenship and Immigration Services

**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 I Street, N. W.  
Washington, DC 20536



File:

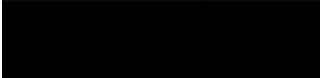


Office: Vermont Service Center Date:

**DEC 18 2003**

IN RE:

Applicant:



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 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner.  
*Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish that she is a national of a foreign state designated by the Attorney General and eligible for the granting of Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2(a), provide that an applicant is eligible for temporary protected status only if such alien establishes that he or she:

Is a national of a foreign state designated under section 244(b) of the Act;....

The applicant indicated on her application that, while she was born in Honduras, she is a citizen of Belize. The applicant repeated this information on her Form I-765, Application for Employment Authorization. In support of her application, the applicant submitted a copy of her Belizean passport, which bears a United States non-immigrant visa and an entry stamp dated March 13, 1994. The applicant also submitted a copy of her Form I-94, Arrival Record, on which she indicated that she was a citizen of Belize.

In notices dated November 18, 1999, December 2, 1999, January 7, 2000, and August 1, 2002, the director requested that the applicant provide evidence of her citizenship of a foreign state designated as being eligible for the granting of TPS. In response, the applicant submitted a copy of her birth certificate showing that she was born in La Ceiba, Honduras. The applicant also submitted copies of several Belizean identification cards as well as pages from her new Belizean passport, which was issued on October 20, 2000, at the Belizean Consulate, New York, New York.

The director determined that, as a citizen of Belize, the applicant was ineligible for TPS and denied the application on October 29, 2002. On appeal, the applicant stated that she is eligible for TPS because she is a dual citizen of Belize and Honduras.

In the case of a dual national alien nonimmigrant, the nationality claimed or established by her at the time of her entry into the United States must be regarded as her sole or operative nationality for the duration of her temporary stay in the United States. *Matter of Ognibene*, 18 I&N Dec. 425 (BIA 1983).

Since the applicant claimed her Belizean citizenship at the time of her last entry into the United States, this citizenship must be regarded as her operative nationality during these proceedings. As a citizen and national of Belize, the applicant

is ineligible for the provisions of section 244 of the Act.  
8 C.F.R. § 244.2(a).

Beyond the decision of the director, it also is noted that the application was filed after the initial registration period had closed and the applicant has failed to establish her eligibility for late registration. As the appeal will be dismissed on the grounds discussed above, this issue need not be examined further.

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.