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U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: PHILADELPHIA DISTRICT OFFICE Date: APR 21 2004

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:

[redacted]

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.

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The applicant's temporary protected status was withdrawn by the District Director, Philadelphia, Pennsylvania. The case is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant claims to be a native and citizen of Liberia who indicated on his application for Temporary Protected Status (TPS) that he entered the United States as a nonimmigrant visitor on December 28, 2000. The District Director denied the application after determining that the applicant had failed to establish his true identity and failed to establish that he is a citizen of a foreign state designated by the Attorney General and eligible for the granting of Temporary Protected Status under 8 U.S.C. § 1254.

On appeal, counsel for the applicant states that the applicant has no knowledge of any substitutions in his passport. Counsel states that the applicant can provide other documentation including an identification card to prove his identity and nationality. Counsel supplements the appeal with additional evidence.

The director may withdraw the status of an alien granted temporary protected status under section 244 of the Act if it is determined that the alien was not eligible for TPS at the time he was granted such status. 8 C.F.R. § 244.14(a)(1).

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 as designated by the Attorney General [now, the Secretary, Department of Homeland Security (Secretary)] 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 condition described in paragraph (f)(2) of this section.

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 the Service. 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 record indicates that the applicant was admitted into the United States at New York, New York, on December 28, 2000. The applicant filed his Form I-821, Application for Temporary Protected Status, on October 9, 2002. As evidence of his identity, the applicant presented an Official Passport from the Republic of Liberia, and a birth certificate in his name from the Republic of Liberia. On October 15, 2002, the applicant was granted temporary protected status and employment authorization until October 1, 2003.

On January 6, 2003, the Immigration and Naturalization Service Forensic Document Laboratory (FDL) reported that the official Liberian passport the applicant presented contained significant irregularities including a photo substitution. The district director determined that the birth certificate and nonimmigrant visa the applicant presented were invalid because they were issued subsequent to the passport. The district director also determined that the applicant had failed to establish his true identity, and he had failed to prove that he is a national of Liberia. The district director determined that the applicant was not eligible for TPS at the time he was granted such status. On January 15, 2003, the director withdrew the applicant's temporary protected status pursuant to 8 C.F.R. § 244.14(a)(1).

On appeal, counsel states that the applicant has no knowledge of the substitutions in his passport. Counsel states that the applicant can provide an identification card to prove his identity and nationality. Counsel supplements the appeal with the following evidence:

1.) a copy of a birth certificate in the name [redacted] who was born in Monrovia, Liberia, on June 28, 1976;
2.) a program for the Haywood Mission School, 25th Commencement Exercises, 1995/1996, held on April 2, 1996;
3.) a transcript from the University of Liberia, Monrovia, Liberia, issued to [redacted] September 30, 2000;

4.) identification cards issued to a who was a student at the University of Liberia, during the academic years 1998 to 1999 and 2000 to 2001;
5.) a membership card in the name issued to a by the All Liberian Coalition Party on May 16, 1997;
6.) an identification card in the name who is identified as a Special Assistant to the Executive Director of an organization which appears to be named ODAP Inc.;
7.) a petition to the Probate Court Judge for Letters of Administration to administer the intestate estate of filed by a in February 1998;
8.) two membership cards, issued by Youth for Development and Productivity, Inc., and the Republic of Liberia, neither of which show the name of the individual member;
9.) an undated Temporary Card, #ICO 172115, issued to a by the UNHCR;
10.) an October 16, 2001 letter from who states the applicant resided at 3110 Knight Road, Apt. D5, Bensalem, Pennsylvania, "since he arrived in the United States;" and,
11.) a videotape entitled: High School Graduation, Haywood Mission School, April 2, 1996."

As stated above, the Immigration and Naturalization Service Forensic Document Laboratory (FDL) determined on January 6, 2003 that the Liberian passport the applicant presented contained significant irregularities including a photo substitution. The examiner also found that the hand-printed entries of the year of birth for the passport bearer and the year of expiration of the passport had been altered.

While counsel states that the applicant has no knowledge of the substitutions in the passport he presented, he has not submitted sufficient evidence to refute the district director's findings. A review of the evidence submitted by the applicant contains inconsistencies. The applicant's birth certificate lists his father's name as however, the applicant's name is shown as on the list of 1995/1996 graduates of the Haywood Mission School. He submitted a membership card issued to a by the All Liberian Coalition Party on May 16, 1997. However, according to a statement he submitted in support of his request for asylum, he left Liberia by ship on Sunday, May 7, 1996. He stated that he spent three days in San Batro, Ivory Coast, and was encamped at Tarkordi and later moved to the Buduburum refugee camp in Ghana. He also stated he stayed at the refugee camp until June 1997 and then returned to Liberia and joined the All Liberia Coalition Party. It is noted that the applicant stated on the Form I-589, Application for Asylum and For Withholding of Removal, that he was a student at A.M.E. University in Monrovia, Liberia from January 1997 to September 1997.

Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). The applicant has failed to submit any objective evidence to explain the submission of altered documents. Therefore, the reliability of the remaining evidence offered by the applicant is suspect and it must be concluded that the applicant has failed to establish his true identity, and he has failed to establish that he is a citizen of a foreign state designated by the Attorney General and eligible for the granting of Temporary Protected Status under 8 U.S.C. § 1254. The applicant has not established that he was eligible for TPS at the time he was granted such status. Consequently, the district director's decision to withdraw the applicant's temporary protected status will be affirmed.

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 failed to meet this burden.

ORDER: The appeal is dismissed.