U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

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U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: PHILADELPHIA DISTRICT OFFICE Date: OCT 27 2005

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.

Cindy M. Gomez for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Temporary Protected Status (TPS) application was denied by the District Director, Philadelphia, Pennsylvania, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed as moot, because the designated period of TPS for Liberia terminated on August 25, 2004.

The applicant claims to be native and citizen of Liberia who is seeking TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254 for the registration period ending October 1, 2004.

The director denied the application because the applicant failed to establish he was eligible for TPS late registration.

On appeal, the applicant, through counsel, submits a statement in support of his claim of eligibility for TPS.

On August 25, 2004, the Department of Homeland Security announced the termination of prior designations and the re-designation of TPS for nationals of Liberia (or aliens having no nationality who last habitually resided in Liberia). As the designation period for which the applicant requests TPS has passed, approval of the application at this time would serve no practical effect since any decision rendered by the AAO would be subsequent to the date of the termination date of the authorized period. Additionally, since the previous TPS program for Liberians had terminated, this application could not be accepted as a re-registration application, as counsel states it was intended.

It is noted that the applicant's initial Form I-130, Petition for Alien Relative, filed on his behalf by Ms. was denied on December 5, 1994, based on marriage fraud; and therefore, the applicant may be excludable under section 212(a)(6)(C) of the Act and as required in 8 C.F.R. § 244.3(b). No Form I-601, Application for Waiver of Grounds of Excludability, has been submitted by the applicant.

It is also noted that the applicant filed a Form I-485, Application to Register for Permanent Resident or Adjust Status, on January 19, 1999; however, his application for adjustment of status was denied on September 25, 2002. A review of the record of proceedings also reflects that counsel on October 15, 2002, filed a Notice of Appeal to the Board of Immigration Appeals regarding the denial of the Form I-130, Petition for Alien Relative, filed on the applicant's behalf by Ms.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The application is summarily dismissed.