



U.S. Citizenship
and Immigration
Services

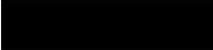
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MI

FILE:



Office: ATLANTA

Date:

AUG 25 2006

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 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 N. Gomez

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Atlanta, Georgia, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Liberia who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The district director denied the application because the applicant failed to establish that she was eligible for late registration.

On appeal, the applicant submits a brief statement.

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 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 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 conditions described in paragraph (f)(2) of this section.

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). The new re-designation of TPS allowed nationals of Liberia who have been continuously physically present in the United States since August 25, 2004, and who have continuously resided in the United States since October 1, 2002, to apply for TPS. This re-designation of Liberia's TPS designation was effective October 1, 2004, to October 1, 2005. The registration period was valid from August 25, 2004, through February 21, 2005. The record reflects that the applicant filed her Form I-821, Application for Temporary Protected Status, on April 6, 2005, six weeks after the new re-designation registration period had expired.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he or she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

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 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 district director determined that the applicant had failed to establish that she was eligible for late registration and denied the application on April 19, 2005.

It is noted that the record reflects that the applicant initially entered the United States as a nonimmigrant visitor (B-2) on January 31, 2001, with authorization to remain in that status until July 30, 2001. On October 6, 2003, she filed an application for TPS under the previous designation. The application was denied on January 5, 2004, and on February 3, 2004, the applicant filed an appeal of that decision before the AAO. A decision on that appeal is provided under separate cover.

The provisions for late registration detailed in 8 C.F.R. § 244.2(f)(2) were not created to allow aliens who had applied for TPS under a previous designation to circumvent the normal application and adjudication process. Rather, these provisions were created to ensure that TPS benefits were made available to aliens who did not register during the designated registration period for the various circumstances specifically identified in the regulations. Having an application for TPS pending during a previously designated registration period does not automatically render an applicant eligible for late registration during a newly designated registration period.

The record confirms that the applicant filed the instant Form I-821 after the newly designated registration period had expired. In this case, the applicant has not met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the decision to deny the application for 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. Here, the applicant has not met this burden.

ORDER: The appeal is dismissed.