



U.S. Citizenship
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FILE:



Office: ATLANTA

Date:

DEC 07 2006

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IN RE:



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.

for

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 on appeal. The appeal will be rejected.

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

The applicant filed an initial application for TPS on June 10, 2005, after the initial period. The District Director denied that application on July 1, 2005, after determining that the applicant had failed to establish she was eligible for late initial registration. A late appeal was rejected by the District Director on January 19, 2006.

The applicant filed the current Form I-821, on September 30, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If an alien is filing a re-registration application, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

An appeal that is not filed within the time allowed must be rejected as improperly filed. In such a case, any filing fee accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(B)(1).

Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. 8 C.F.R. § 103.5a(b).

Any appeal must be properly filed within thirty days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). Coupled with three days for mailing, the appeal should have been filed on or before February 21, 2006. The appeal was received at the Atlanta District Office on March 6, 2006.

It is noted that On August 25, 2004, the Secretary of the Department of Homeland Security (the Secretary) re-designated Liberia as a country eligible for TPS. This re-designation allowed nationals of Liberia who have continuously resided in the United States since October 1, 2002, and who have been continuous physically present in the United States since August 25, 2004, to apply for TPS. The re-designation of Liberia's TPS eligibility became effective on October 1, 2004, and remained in effect until October 1, 2005. The initial registration for this new re-designation began on August 25, 2004, and ended on February 21, 2005. On August 16, 2005, the Secretary announced an extension of the TPS designation for Liberia until October 1, 2006. On September 20, 2006, the Secretary announced the termination of TPS designation for nationals of Liberia as of October 1, 2007.

An alien applying for TPS has the burden of proving that he or she is eligible under the provisions of section 244 of the Act.

Based upon the applicant's failure to file a timely appeal, the appeal will be rejected.

ORDER: The appeal is rejected.