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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: BALTIMORE Date: JUL 28 2006
[BAL 04 202 50002]

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 N. Gomez
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Temporary Protected Status (TPS) application was denied by the District Director, Baltimore, Maryland, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant, who claims to be a native and citizen of Liberia, applied for TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on July 27, 2004.

On September 29, 2004, the District Director requested that the applicant provide the final court disposition of his February 26, 1986, arrest in Brooklyn, New York. In response, the applicant submitted evidence that the charge referenced by the District Director had been dismissed. The applicant also submitted evidence that two other charges, not discussed by the District Director, had also been dismissed. Despite this evidence, the District Director denied the application on October 7, 2004, after determining that the applicant had been "convicted of a felony or two or more misdemeanors."

While the District Director's decision is based on an erroneous conclusion, the fact remains that the application was filed more than fifteen months after the closing date of the initial registration period.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (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.

The initial registration period for Liberians was from October 1, 2002, through April 1, 2003. As stated above, the applicant did not apply for TPS until July 27, 2004.

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

While the record of proceedings confirms that the applicant had previously applied for adjustment of status, the record also reveals that this application was not pending during the initial registration period. The applicant has failed to provide any evidence to establish that he is eligible for late registration under any of the grounds detailed in 8 C.F.R. § 244.2(f)(2) above. Therefore, the applicant remains ineligible for TPS in spite of the District Director's error.

Moreover, 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. As the designation period for which the applicant requested TPS has been terminated, 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 of the authorized period.

The denial of this application is without prejudice to any subsequent application filed by this applicant under any new re-designations of TPS for Liberia; however, it is noted that the initial registration period for the most current designation of TPS for Liberians ended on October 14, 2005.

ORDER: The application is summarily dismissed.