



U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED]

Office: ATLANTA Date: MAY 03 2006

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: 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.

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 seeking 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 she was eligible for late registration.

On appeal, the applicant submits a statement and additional evidence.

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, Liberia was re-designated for TPS, valid from October 24, 2004 until October 1, 2005. On August 16, 2005, the Secretary of the Department of Homeland Security extended the designation of Liberia for Temporary Protected Status until October 1, 2006. Persons applying for TPS offered to Liberians must demonstrate continuous residence in the United States since October 1, 2002, and continuous physical presence in the United States since August 25, 2004.

The initial registration period for Liberians was from August 25, 2004, to February 21, 2005. The record reveals that the applicant filed her initial application with Citizenship and Immigration Services (CIS) on May 31, 2005.¹

To qualify for late registration, the applicant must provide evidence that during the initial registration period, 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 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 her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from her own statements. 8 C.F.R. § 244.9(b).

The district director determined that the applicant had failed to establish she was eligible for late registration, and denied the application on June 24, 2005.

On appeal, the applicant states that she went to the Federal Building in October 2004 and attempted to register for TPS under the new designation, but was told by an officer that she would be informed via mail of the registration requirements for the new registration period. The applicant further states that she appeared in person at the Atlanta District office on April 14, 2005 and May 19, 2005, to "renew my work permit". The applicant submits photocopies of appointment notices instructing the applicant to appear at the Atlanta District Office on April 14, 2005 and May 19, 2005, for renewal of her employment authorization.

It is noted that the applicant previously filed a Form I-589, Application for Asylum and for Withholding of Removal, on May 11, 2000. The application was denied on June 7, 2000, and the applicant was referred for a hearing before an Immigration Judge. On October 25, 2000, an Immigration Judge in Philadelphia, Pennsylvania,

¹ It is noted that the applicant was previously granted TPS on January 5, 2004, under a prior designation of Liberia for TPS. That designation of Liberia for TPS expired on October 25, 2004, and the applicant's Temporary Protected Status expired automatically and without right of appeal on the same date.

administratively closed the proceeding. Since the applicant's asylum application was administratively closed in 2000, she cannot qualify for late registration on the basis of having a pending asylum application during the initial registration period beginning on August 25, 2004.

The applicant has not submitted any evidence to establish that she has met any of the other criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's 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. The applicant has failed to meet this burden.

ORDER: The appeal is dismissed.