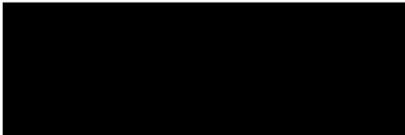


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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[EAC 05 330 70080]

Office: VERMONT SERVICE CENTER

Date: OCT 03 2006

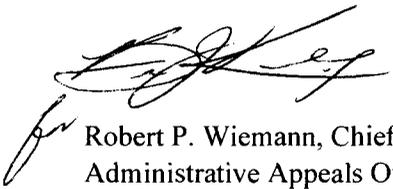
IN RE: Applicant: [REDACTED]

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 Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is stated to be a 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 record reveals that the applicant filed a TPS application on August 26, 2005, under receipt number EAC 05 330 70080. On January 3, 2006, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2), additional evidence establishing his continuous physical presence in the United States since August 25, 2004, and his continuous residence in the United States since October 1, 2002. The applicant responded on January 18, 2006 with various documents establishing his continuous physical presence and continuous residence in the United States during the requisite time period. On January 26, 2006, the director denied the application, after determining that the applicant failed to establish that he met the requirements for late registration.

On February 27, 2006, the applicant filed an appeal to the AAO. In his appeal, the applicant states that he has submitted documents to demonstrate his continuous physical presence and continuous residence in the United States. It is noted that in the director's request for evidence, dated January 3, 2006, the applicant was requested to submit evidence that he has maintained his status as a student. In support of the applicant's appeal, the applicant submits a letter from the Los Angeles Trade-Tech Community College stating that the applicant was only enrolled from September 2, 2002 to December 22, 2002. Additionally, the applicant failed to submit any evidence of his eligibility for late registration.

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 Liberia was from August 25, 2004 to February 21, 2005. The record reveals that the applicant filed the current application with Citizenship and Immigration Services (CIS) on August 26, 2005.

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.

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 applicant has failed to provide any evidence to establish that this application should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2). Therefore, the application must be denied for this reason.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish his continuous physical presence or continuous residence in the United States during the requisite period. Therefore, the application will also be denied for these reasons.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.

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 continuously 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 period 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. It is noted the Secretary announced on September 20, 2006 the termination of TPS designation for nationals of Liberia as of October 1, 2007.

ORDER: The appeal is dismissed.