

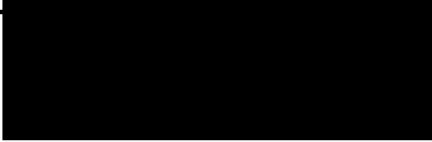
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



M1

FILE: [REDACTED]
[EAC 05 349 70251]

Office: Vermont Service Center

Date: **OCT 27 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 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 director denied the application because the applicant failed to establish she was eligible for late registration. The director also denied the application because the applicant failed to establish her qualifying continuous residence and continuous physical presence in the in the United States, and failed to establish that she is a national of Liberia.

On appeal, the applicant asserts her eligibility for TPS and submits evidence in support of her claim.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant is eligible for TPS 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 § 244.3;
- (e) Is not ineligible under § 244.4; and
- (f)
 - (1) Registers for Temporary Protected Status 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.

Persons applying for TPS offered to Liberians must demonstrate continuous residence in the United States since October 1, 2002, and continuous physical presence since August 25, 2004. The registration period for Liberians was from August 25, 2004, through February 21, 2005. The record reveals that the applicant filed this application with Citizenship and Immigration Services (CIS), on September 14, 2005.

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).

On January 4, 2006, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing her "residence in the United States as of October 1, 2002", and her continuous physical presence in the United States from August 25, 2004, to the date of filing her application. In addition, the applicant was requested to submit evidence to establish that she is a citizen or national of Liberia. The director determined that the record did not contain a response from the applicant and denied the application on February 27, 2006.

On appeal, the applicant states that she did not receive the director's request for evidence because the notice was sent to her previous address. The applicant, along with her appeal, submits the following evidence in support of her eligibility for TPS:

- 1) A copy of her birth certificate issued on August 18, 2000.
- 2) Copies of the birth certificates of her children born on March 6, 2002 and December 7, 2004.
- 3) A copy of an undated letter from [REDACTED], who stated that the applicant had been living at [REDACTED] New York since February 2002.
- 4) Copies of two receipt notices from the Service dated September 16, 2005.
- 5) A copy of her fingerprint notice dated September 30, 2005.
- 6) A copy of a letter dated March 1, 2006, from Ms. [REDACTED] [REDACTED] stating that the applicant was a patient from June 8, 2004 to December 5, 2004.

- 7) A copy of a note from [REDACTED] at Forest Hills dated October 3, 2004, indicating that the applicant was evaluated on October 3, 2004 and required bed rest until the birth of her child.
- 8) A copy of her Employment Authorization card valid from October 2, 2003 to October 1, 2004.
- 9) Copies of her Liberian passport issued on December 7, 1984.

The first issue in this proceeding is whether the applicant has established her continuous physical presence in the United States since August 25, 2004, to the date of filing her application (October 13, 2005).

The statements provided by [REDACTED] regarding the applicant's claimed residence in the United States are not supported by corroborative evidence. Affidavits from acquaintances are not, by themselves, persuasive evidence of residence and physical presence. The copies of the birth certificates do not cover the qualifying period for continuous physical presence in the United States.

It is determined that the documentation submitted by the applicant is not sufficient to establish her continuous residence in the United States since October 1, 2002, and her continuous physical presence in the United States since August 25, 2004. The applicant has, thereby, failed to establish that she has met the criteria described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS on these grounds will be affirmed.

The second issue in this proceeding is whether the applicant is eligible for late registration.

The record of proceedings confirms that the applicant filed her application after the initial registration period had closed. 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. A review of the record of proceedings reflects that the applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for TPS late registration will be affirmed.

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 TPS 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.