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**U.S. Citizenship
and Immigration
Services**

M

FILE:



[EAC 06 013 70831]

Office: Vermont Service Center

Date: FEB 16 2007

IN RE:

Applicant:



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 cursive script, appearing to read "Robert P. 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 physical presence in the in the United States

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 October 13, 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 December 21, 2005, 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.

The applicant, in response, provided the following evidence in support of her eligibility for TPS:

- 1) A copy of her Employment Authorization card valid from June 15, 2004 to June 14, 2005.
- 2) Copies of her New Patient Initial Eligibility Form dated February 23, 2002, from the Charlotte Community Health Clinic.
- 3) Copies of her Comprehensive Assessment dated February 21, 2002.
- 4) Copies of her Short Visit form dated December 1, 2005, from the Charlotte Community Health Clinic.
- 5) Copies of her Liberian passport.
- 6) Copies of Receipt Notices from the Service dated October 13, 2005 and October 19, 2005.

On February 3, 2006, the director denied the application because the applicant had failed to establish she was eligible for late registration and that she had not established her continuous physical presence in the United States since August 25, 2004.

On appeal, the applicant admits that she missed the initial registration period; however, she asserts that she is eligible for TPS late registration. In addition, the applicant submits the following documentation along with her appeal:

- 7) Copies of her Liberian passport pages.
- 8) A copy of her Employment Authorization card valid from June 15, 2004 to June 14, 2005.
- 9) A copy of her Receipt Notice from the Service dated October 13, 2005.
- 10) A copy of her ASC Appointment Notice dated October 19, 2005.
- 11) Copies of her New Patient Initial Eligibility Form dated February 23, 2002, from the Charlotte Community Health Clinic.
- 12) Copies of her medical cards.
- 13) Copies of payment receipts from the Charlotte Community Health Clinic dated September 9, 2004, November 11, 2004, March 8, 2005, March 31, 2005, April 28, 2005, May 17, 2005, June 21, 2005, August 10, 2005, January 31, 2006, and January 26, 2006.
- 14) Copies of United States Postal Service return receipts dated October 13, 2005, and January 24, 2006.

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)

A review of the record of proceedings reflects that the applicant has submitted sufficient evidence to establish her qualifying continuous presence in the United States since August 25, 2004. Therefore, the director's decision to deny the application on this issue will be withdrawn.

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.

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.