



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

ML

FILE:

[REDACTED]
[EAC 06 081 50659]

Office: VERMONT SERVICE CENTER

Date: JUL 06 2007

IN RE:

Applicant: [REDACTED]

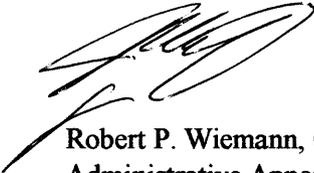
APPLICATION:

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. If documents have been returned to the Vermont Service Center. 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, (VSC), 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 applicant filed an initial application for TPS after the initial period. The VSC Director denied that application on May 26, 2006, after determining that the applicant had failed to establish she was eligible for late initial registration.

On appeal, counsel states that the applicant has continuously resided in the United States since October 1, 2002. Counsel further states that she is eligible to take advantage of the late registration provisions because sometime in 2003, the applicant applied for TPS and that she has never received a response to that application. Counsel argues that therefore, during the most recent re-designation period of August 25, 2004 through February 21, 2005, she had a form of relief pending that was subject to further review or appeal.

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.

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 continuous 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. On September 20, 2006, the Secretary announced the termination of TPS designation for nationals of Liberia as of October 1, 2007.

The initial registration period for this new re-designation began on August 25, 2004, and ended on February 21, 2005. The record shows that the applicant filed her initial application for this new period with Citizenship and Immigration Services (CIS), on January 6, 2006.

To qualify for late registration, the applicant must provide evidence that during the initial registration period, she was either in a valid immigration status, had an application pending for relief from removal, was a parolee, or was the spouse or child of an alien currently eligible to be a TPS registrant, and he had filed an application for late registration within 60 days of the expiration or termination of the conditions described in 8 C.F.R. § 244.2(f)(2).

Counsel states that the applicant is eligible to take advantage of the late registration provisions because sometime in 2003, the applicant applied for TPS, and because she never received a response to that application, she had a form of relief pending during the most recent re-designation period. The record reflects that the applicant's 2003 application for TPS was approved on September 10, 2003. However, the fact that a previous TPS application was pending or approved during a prior designated period for persons from Liberia does not excuse the applicant from filing a timely application during the most recent initial registration period from August 25, 2004 through February 21, 2005.

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 his 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 applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in the regulations at 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for TPS is 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.