

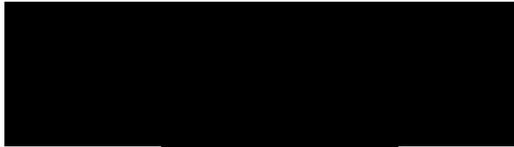
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U.S. Department of Homeland Security  
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U.S. Citizenship  
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **MAR 30 2007**  
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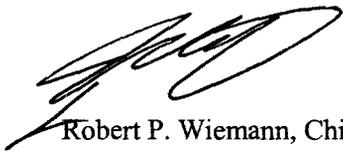
IN RE: Applicant: [REDACTED]

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. 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 (VSC), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a citizen of Liberia who is applying for 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 that she was eligible for late registration. The director also determined that the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods.

On appeal, counsel for the applicant provides a brief statement and resubmits documentation previously provided.

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 parole; 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 Department of Homeland Security announced the termination of prior designations and the re-designation of TPS for nationals of Liberia (or aliens having no nationality who last habitually resided in Liberia). The new re-designation of TPS allowed nationals of Liberia who have been continuously physically present in the United States since August 25, 2004, and who have continuously resided in the United States since October 1, 2002, to apply for TPS. This re-designation of Liberia's TPS designation was effective October 1, 2004, to October 1, 2005. The registration period was valid from August 25, 2004, through February 21, 2005. The record reflects that the applicant filed her initial Form I-821, Application for Temporary Protected Status, with Citizenship and Immigration Services (CIS) on October 18, 2005, more than seven months after the new re-designation registration period had expired.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he or 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 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 3, 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 qualifying continuous residence and continuous physical presence in the United States during the requisite time periods.

The director determined that the applicant had failed to respond to the request and denied the application on February 27, 2006. The applicant filed an appeal from that decision on March 22, 2006. On appeal, counsel asserted that the applicant timely filed documents with CIS; however, they were rejected. Counsel also submitted documentation relating to the applicant's residence and physical presence in the United States. On March 29, 2006, the director reopened the proceedings and reaffirmed his decision to deny the application.

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

The record reflects that the applicant initially entered the United States as a nonimmigrant student (F-1) on August 15, 1994, with authorization to remain in that status during the duration of her studies. On July 2, 1997, the applicant was granted Temporary Protected Status under a previous designation period. Applications for re-

registration or renewal of temporary treatment benefits under that designation period were also approved on September 12, 2003, and October 22, 2003. As previously discussed, on August 25, 2004, the TPS designation for nationals of Liberia was terminated, and a re-designation period became effective from October 1, 2004, to October 1, 2005. The applicant's current application was filed after that registration period for that designation period had ended.

While the applicant has submitted documentation in an attempt to establish her qualifying continuous residence and continuous physical presence in the United States; this evidence does not mitigate the applicant's failure to file her Form I-821 during the re-designation period. 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 Temporary Protected Status on this ground will be affirmed.

The second issue in this proceeding is whether the applicant has established her qualifying continuous residence in the United States since October 1, 2002, and continuous physical presence since August 25, 2004.

Based on a review of the documentation submitted on appeal, it is concluded that the applicant has submitted sufficient evidence to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. She has, therefore, met the criteria described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for these reasons will be withdrawn. Nevertheless, the applicant remains ineligible for TPS due to her late registration as discussed above.

Moreover, the designation of TPS for nationals of Liberia terminated on September 20, 2006.

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. Here, the applicant has not met this burden.

**ORDER:** The appeal is dismissed.