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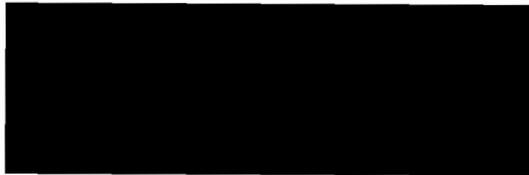
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FILE: 

OFFICE: ATLANTA

DATE: **MAY 29 2007**

IN RE: Applicant:

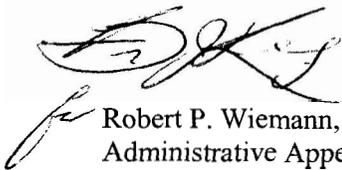


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.



Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the District Director, Atlanta, Georgia, and the case is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed as moot, because the designated period of TPS for Liberia terminated on October 1, 2004.

The applicant is a native and citizen of Liberia who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on June 5, 2003. The district director subsequently withdrew the applicant's TPS status on July 15, 2005, when it was determined that the applicant had failed to overcome the district director's notice of intent to withdraw (ITW) requesting that the applicant submit evidence to establish that she registered for TPS after Liberia was terminated and re-designated on August 25, 2004 [effective October 1, 2004].

The director may withdraw the status of an alien granted TPS at any time if it is found that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. Section 244(c)(3)(A) of the Act and 8 C.F.R. § 244.14(a)(1).

On appeal, the applicant asserts that she feels she has complied with all the rules with regard to filing in a timely manner and that the decision is incorrect. She states that she needs the advice of her attorney of record who was currently on vacation; therefore, she is requesting an additional 30 days to respond to the district director's decision. To date, however, no additional statement or evidence has been provided.

On August 25, 2004, the Secretary of 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). 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 since August 25, 2004, to apply for TPS. The initial registration period for this new re-designation began on August 25, 2004, and ended on February 21, 2005. The re-designation of Liberia's TPS eligibility became effective on October 1, 2004, and subsequent extensions of the TPS designation have been granted until October 1, 2007.

The applicant had previously been granted TPS during the October 2002 TPS designation for Liberians. However, that designation terminated on October 1, 2004. That earlier 2002 TPS designation is unrelated to the [present] 2004 TPS re-designation. As the 2002 TPS designation period has terminated and the applicant's TPS benefits expired on October 1, 2004, approval of the application at this time would serve no practical effect, since any decision rendered by the AAO would be subsequent to the date of the termination date of the authorized period. Therefore, the appeal will be summarily dismissed as moot.

It is noted that on September 2, 2005, the applicant subsequently filed a TPS application under CIS receipt number EAC 05 337 70162. The Director, Vermont Service Center, denied that application on March 17, 2006, because the application was received after the initial registration period for Liberians (from August 25, 2004 to February 21, 2005) had closed, and the applicant had failed to establish that she was eligible to take advantage of the late registration provisions of the TPS regulation, and as provided in 8 C.F.R. § 244.2(f)(2). Although the applicant was advised that she could appeal the director's decision by filing a completed Form I-290B, Notice of Appeal to the Administrative Appeals Office, within 30 days of the director's decision, the record does not contain evidence that the applicant filed a Form I-290B.

Based on the Federal Bureau of Investigation (FBI) fingerprint results report, the applicant was requested on January 14, 2006, to submit the final court dispositions of all of her arrests, including the arrests listed on the FBI report. The applicant responded by submitting arrests and court documents of the following:

- (1) The FBI report indicates that on April 22, 1998, in Canton, Georgia, the applicant was arrested for "simple battery," under agency case number [REDACTED]. The applicant submitted the records of the State Court of Cherokee County, State of Georgia, indicating that a "nolle prosequi" was entered under Case No. [REDACTED] November 30, 1998. It is not clear in the record that this case relates to the charge for simple battery as the court document does not show the type of offense committed by the applicant.
- (2) The FBI report indicates that on January 24, 2001, in Marietta, Georgia, the applicant was arrested for "probation violation/list original charge-terms altered-fel/misd." The applicant submitted the records of the State Court of Cobb County, State of Georgia, indicating that on February 16, 2000, under Case No. [REDACTED], the applicant was convicted of "no proof of insurance," a misdemeanor. She was sentenced to 12 months in the county jail, suspended, and placed on probation for a period of 12 months, and she was ordered to pay \$250 in fines and costs. The applicant violated the terms of her probation by "failure to pay the fine & fees as ordered. Failure to appear at show cause hearing on 1-4-01." On January 24, 2001, the judge ordered that the warrant for the arrest of the defendant issued on January 19, 2001 [relating to Case No. [REDACTED]] be dismissed.

Convictions of two or more misdemeanors or a felony may render the applicant also ineligible for TPS pursuant to section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). However, as noted in No. (1) above, it is not clear that the applicant's arrest on April 22, 1998 under case number [REDACTED] relates to the court disposition under case number [REDACTED].

It is also noted that the applicant filed Form I-589, Request for Asylum in the United States, on September 13, 1990. That application, however, was administratively closed on June 3, 1997.

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 summarily dismissed.