



U.S. Citizenship
and Immigration
Services

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FILE:

OFFICE: ATLANTA

DATE: MAY 29 2007

IN RE:

Applicant:

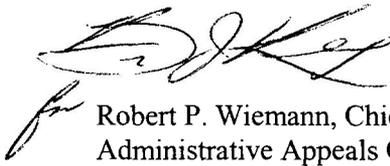
APPLICATION:

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

ON BEHALF OF APPLICANT:

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the District Director, Atlanta, Georgia, and the case is now before the Administrative Appeals Office (AAO) on appeal.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 April 20, 2004. 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, counsel asserts that as a result of the applicant's financial hardships, the applicant did not apply during the initial TPS registration period for Liberians, and that she was unaware of the provision that allows her to request a waiver of fees pursuant to 8 C.F.R. § 103.7(c).

The AAO is bound by the clear language of the statute and lacks the authority to change the statute. Further, there is no provision to waive the registration requirement based on the applicant's assertion that she was unaware of certain provisions of the immigration laws.

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 October 18, 2005, the applicant subsequently filed a TPS application under CIS receipt number EAC 06 018 70453. The Director, Vermont Service Center, denied that application on February 21, 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.

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.