



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: OCT 02 2007

[EAC 07 051 70244]

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 Vermont Service Center. Any further inquiry must be made to that office.

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Vermont Service Center, and is now before the Administrative Appeals Office (AAO) 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 he determined the applicant had failed to register during the registration period from August 16, 2005 until October 17, 2005, and that the applicant had failed to establish that he was eligible for late registration.

On appeal, counsel for the applicant states that the applicant did timely file his TPS applications.

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 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 and continuous physical presence in the United States since October 1, 2002. The initial registration period for Liberians was from October 1, 2002, to April 1, 2003. The record reveals that the applicant filed his initial application with Citizenship and Immigration Services (CIS) on November 20, 2006

As stated in 8 C.F.R. § 244.1, "register" means "to properly file, with the director, a completed application, with proper fee, for Temporary Protected Status during the registration period designated under section 244(b) of the Act."

The record reveals that the applicant did file an initial application for TPS during the initial registration period on March 20, 2003. That application was approved on May 6, 2003. The applicant filed a subsequent TPS re-registration application on September 29, 2003. That application was approved on November 17, 2003. The applicant filed another TPS re-registration application on March 7, 2005. That application was denied on April 6, 2005 because the applicant failed to register during the period from August 25, 2004 through February 21, 2005. The applicant filed an untimely appeal on May 26, 2005. That appeal will be addressed in a separate decision.

The applicant filed a subsequent Form I-821, Application for Temporary Protected Status, on November 20, 2006. The director denied this application because it was filed outside of the registration period and because the applicant had failed to establish his eligibility for filing under the provisions of late registration.

To qualify for late registration, the applicant must provide evidence that during the initial registration period, he or 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 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).

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).

The director determined that the applicant had failed to establish he was eligible for late registration, and denied the application on February 26, 2007.

On appeal, counsel for the applicant states that the applicant is eligible for late initial registration because he timely filed his appeal providing reasons why he did not file before the registration deadline.

The record indicates that the applicant was initially granted TPS on May 6, 2003, under a prior designation of Liberia for the TPS program. That designation terminated on September 28, 1999.

The applicant did not file this Form I-821 until November 20, 2006. The applicant has not submitted any evidence to establish that he 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 will be affirmed.

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 continuously 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, and remained in effect until October 1, 2005. It is noted that on August 25, 2004, the Secretary of the Department of Homeland Security re-designated Liberia as a country eligible for TPS. This re-designation will allow 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. The re-designation of Liberia's TPS designation is effective October 1, 2004, and will remain in effect until October 1, 2005. It is noted the Secretary announced on September 20, 2006 the termination of TPS designation for nationals of Liberia as of October 1, 2007.

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.