



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

OFFICE: Vermont Service Center

DATE: OCT 04 2007

[EAC 06 078 50450]

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.

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 a Form I-821, Application for Temporary Protected Status, on January 12, 2006, under receipt number EAC 06 078 50450. The director denied the application on May 15, 2006, after determining the applicant did not submit evidence to show that she was eligible to register under the late initial registration provisions or proof that she did indeed register and was approved during the period from August 25, 2004 through February 21, 2005.

On appeal counsel states the applicant is eligible for late-initial filing because she has established US residency and that on July 26, 1996, the applicant was granted voluntary departure as a form of relief by an Immigration Judge. Counsel further states that on May 1, 2000, the Board of Immigration Appeals issued an order pursuant to an Attorney General's memoranda regarding Liberian Nationals indefinitely continuing respondent's appeal process and that she has resided in the United States since then. Counsel submits documentation to establish the applicant's continuous residence and continuous physical presence in the United States.

It is noted that the record reflects that on November 16, 2004, a Request For Evidence (RFE) was sent to the applicant by the District Director, Dallas, Texas, requesting that she submit a \$70 fingerprinting fee, a \$50 filing fee for an attached Form I-821 that she had attempted to file and two passport style color photos. On March 22, 2005, the District Director issued a decision denying the applicant's Form I-765, Application for Employment Authorization. In that order, the District Director noted that the applicant's Form I-821 (referred to in the November 16, 2004, RFE) had been returned to the district office, but the requested fees were not included.

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 TPS only if such alien establishes that he or she:

- (a) Is a national of a 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 Temporary Protected Status 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.

Liberia was designated for TPS on August 25, 2004. The initial registration period pursuant to the current re-designation was August 25, 2004 – February 21, 2005. The record shows that the applicant filed her application with Citizenship and Immigration Services (CIS) on January 12, 2006. On September 20, 2006, CIS announced the termination of TPS for Liberia, effective October 1, 2007.

To qualify for late registration, an 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.

On April 13, 2006, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in the regulations at 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing her continuous residence and continuous physical presence in the United States. The applicant, in response, provided documentation relating to her residence and physical presence in this country.

On appeal counsel states the applicant is eligible for late-initial filing because on July 26, 1996, the applicant was granted voluntary departure as a form of relief by an Immigration Judge. The record shows that the Judge granted voluntary departure until October 1, 1996, and that this relief from deportation expired on that date.

Counsel further states that on May 1, 2000, the Board of Immigration Appeals issued an order pursuant to an Attorney General's memoranda regarding Liberian Nationals indefinitely continuing respondent's appeal process and that she has resided in the United States since then. In its May 1, 2000 order, the Executive Office for Immigration Review (EOIR) administratively closed the applicant's case pursuant to a September

29, 1999 memorandum where the President directed the Attorney General to implement deferral of enforced departure for certain Liberian nationals for one year. As provided in 8 C.F.R. § 244.2(g), the applicant is required to file an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of condition described in 8 C.F.R. § 244.2(f)(2); that would have been within 60 days following the EOIR's May 1, 2000, decision. However, even had she filed with the 60-day period, that would have provided her no relief as TPS for Liberia had expired in 1999 and was not again available until October 1, 2002.

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 cited 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.