



U.S. Citizenship
and Immigration
Services

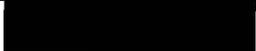
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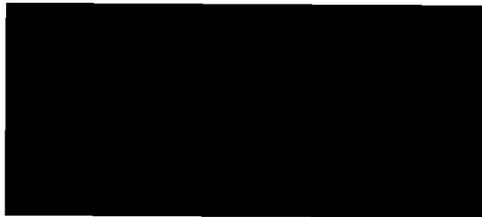
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OFFICE: VERMONT SERVICE CENTER

DATE: OCT 04 2007

IN RE:

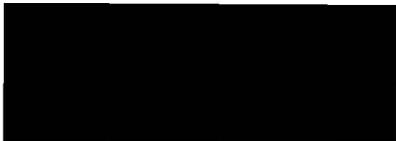
Applicant:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, 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 applying for 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 the applicant failed to establish that she was eligible for late registration.

On appeal, the applicant asserts her claim of eligibility for TPS.

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.

Persons applying for TPS offered to Liberians must demonstrate that they have continuously resided in the United States since October 1, 2002, and that they have been continuously physically present since August 25, 2004. The Secretary of the Department of Homeland Security terminated and then re-designated Liberia (69 FR 52297) for Temporary Protected Status (TPS) on October 24, 2004. On August 16, 2005, the Secretary of the Department of Homeland Security announced the extension of the TPS designation for Liberia until October 1, 2006; and most recently until October 1, 2007. With regard to the instant case the registration period for Liberians was from August 25, 2004, until February 21, 2005. The record reveals that the applicant filed her initial application, pursuant to the re-designation, with Citizenship and Immigration Services (CIS) on October 15, 2005.

To qualify for late registration, the applicant must provide evidence that during the initial registration period 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 own statements. 8 C.F.R. § 244.9(b).

On January 9, 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 residence and physical presence in the United States. The applicant, in response, provided evidence in an attempt to establish her qualifying residence and physical presence in the United States.

The director determined that the applicant had failed to establish that she was eligible for late registration and denied the application on February 13, 2006.

On appeal, counsel states that the applicant was confused and unaware that she had not sent proof of her eligibility for late registration, and submitted a copy of a court order showing that the applicant was granted withholding of deportation on March 28, 1996.

The record of proceeding shows that the applicant was initially apprehended by immigration officers at Logan Airport, Boston, Massachusetts, on September 24, 1995, after arriving on a flight from Paris, France. The record also shows that on that day the applicant admitted to using a fraudulent passport under the name [REDACTED] to enter the country. The applicant was released and subsequently filed an Asylum Application on November 13, 1995. That application was denied on March 28, 1996. On that same day, the applicant was

granted Withholding of Deportation/Deferred Enforced Departure for Liberians (DED). The applicant filed a DED I-765 application on May 17, 2000, which was approved on January 10, 2001.

On September 27, 2002, the Attorney General of the United States announced the designation of Temporary Protected Status (TPS) for nationals of Liberia. He also announced that the Liberian DED directive would expire on September 29, 2002.

Although the applicant submitted a copy of a court order showing that she was granted withholding of deportation (DED) on March 28, 1996, that temporary program expired on September 29, 2002. The record shows that the applicant was granted TPS on March 18, 2004, and that the program was terminated on October 1, 2004. Liberia was re-designated for TPS and the applicant had until February 21, 2005 to file her TPS application pursuant to the re-designation. However, the record shows that the applicant did not file her TPS application until October 15, 2005, which is beyond the initial registration period.

The applicant submitted evidence in an attempt to establish her qualifying residence and physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file her Application for Temporary Protected Status within the initial registration period or within 60 days of the termination as stated above. 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 conclusion that the applicant had failed to establish her eligibility for late registration will be affirmed.

An alien applying for TPS 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.