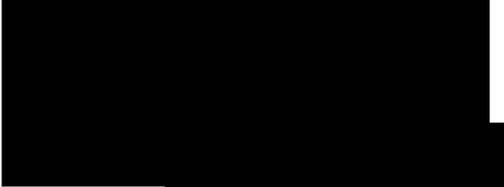


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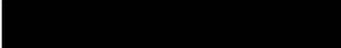


U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:



[EAC 06 107 50124]

Office: VERMONT SERVICE CENTER

Date: **MAR 25 2008**

INRE:

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

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

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 (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 the applicant failed to establish she was eligible for late registration.

On appeal, counsel requests an additional 60 days to submit a supporting brief.

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 parole; 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.

The most recent re-designation for Liberian TPS, as of August 24, 2004, offered all Liberian TPS beneficiaries the opportunity to register, provided they demonstrate continuous residence in the United States since October 1, 2002, and continuous physical presence in the United States since August 25, 2004.

The registration period for Liberians was from August 25, 2004, through February 21, 2005. The record reveals that the applicant filed her initial application with Citizenship and Immigration Services (CIS) on February 24, 2006.

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 or her own statements. 8 C.F.R. § 244.9(b).

The director determined that the applicant had failed to establish she was eligible for late registration, and denied the application on October 12, 2006.

On appeal, counsel states that the CIS failed to consider the humanitarian factors or the exceptional circumstances that led the applicant to file after the registration period had closed. Counsel also states that a separate supporting brief will be submitted within 60 days. However, as of the date of this decision, no additional documentation has been included into the record of proceedings. Therefore, the record will be considered complete.

The record indicates that the applicant was initially granted TPS on May 10, 2003, under a prior designation of Liberia for the TPS program. That designation terminated on August 25, 2004.

The applicant did not file her TPS application until February 24, 2006, more than one year after the registration period had closed. Furthermore, counsel has not provided any additional explanation for her late filing. 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 decision to deny the application for temporary protected status will be affirmed.

It is noted that the applicant's asylum application was denied on January 18, 1994.

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.

Furthermore, as of October 1, 2007, the Department of Homeland Security terminated the re-designation of TPS for nationals of Liberia (or aliens having no nationality who last habitually resided in Liberia).

ORDER: The appeal is dismissed.