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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date:

SEP 24 2007

[EAC 07 032 71424]

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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center (VSC), denied the application. The application is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant claims to be a native and citizen of Liberia who seeks 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, the applicant states that she inadvertently failed to register on time because of hardships in her life and submits additional documentation.

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.

On August 24, 2004 the Department of Homeland Security (DHS) terminated its previous designation of Liberian TPS and re-designated TPS for Liberians. Persons applying for TPS offered to Liberians under this re-designation must demonstrate continuous physical presence in the United States since August 24, 2004 and continuous residence October 1, 2002. The initial registration period under the re-designation for Liberians was from August 25, 2004, to February 21, 2005. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until October 1, 2006, upon the applicant's re-registration during the requisite time period. DHS decided to terminate Liberian TPS at the end of the last extension period and that the termination would take effect on October 1, 2007.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the four 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 Citizenship and Immigration Services (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 record reflects that the applicant filed for and received TPS during previous designations for Liberians. The last designation under which the applicant was granted TPS terminated on August 24, 2004.

The applicant filed her current TPS application on October 17, 2006 - over one year after the close of the initial registration period for Liberians under the latest re-designation. The director accepted the application under the late filing provision in 8 C.F.R. § 244.2(f)(2). The applicant did not submit any documents in support of her application.

The director determined that the applicant had failed to establish she was eligible for late registration, and denied the application on January 22, 2007.

On appeal, the applicant states that she did not timely register because of hardships going on in her life, including putting herself through college and taking care of her dying grandmother. She submits evidence of her personal hardships and her continuous physical presence and continuous residence but does not submit documentation to establish eligibility for late registration.

The applicant did not file her current Form I-821, Application for Temporary Protected Status, until October 17, 2006. While the AAO is sympathetic to the applicant's situation, none of the documentation submitted

overcomes the applicant's failure to file her TPS application within the required registration period. There is no exceptional circumstance exception for late filing under the Act or the regulations. 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). The director's decision to deny the application will be affirmed.

Beyond the decision of the director, the applicant has not submitted sufficient documentation to establish her identity and nationality pursuant to 8 C.F.R. § 244.9(a)(11). The application must be denied for this additional reason.

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.