



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] OFFICE: Vermont Service Center
[EAC 07 236 52021, appeal]
[EAC 07 158 50668]

DATE: AUG 01 2008

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 as moot.

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 May 7, 2007. The director denied the application on July 31, 2007, after determining the applicant had failed to establish he was eligible for late initial registration.

On appeal counsel states that the applicant is eligible for late initial registration and should have been granted TPS for the most recent period from September 20, 2006 to September 30, 2007. Counsel argues that should Congress decide to pass new legislation allowing for Liberian TPS after September 30, 2007, the applicant would then be able to qualify once his initial late registration for TPS is approved. Counsel further states that the applicant is eligible for late initial registration because he had an adjustment application (I-130/I-485) pending with the Missouri Service Center from May 24, 2004 to April 7, 2005.

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 his application with Citizenship and Immigration Services (CIS) on May 7, 2007.

Counsel argues that the applicant is eligible for late initial registration because he had an adjustment application (I-130/I-485) pending with the Missouri Service Center from May 24, 2004 to April 7, 2005. 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. The record reflects that the applicant filed a Form I-485, Application to Register Permanent Residence or Adjust Status, on January 5, 2005, which was denied on April 6, 2005 because his spouse who had filed an underlying Form I-130, Petition for Alien Relative, in his behalf had passed away.

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); in this case, within 60 days following the denial of his Form I-485. The applicant filed his initial TPS application on May 7, 2007, more than two years later and outside of the 60-day grace period allowed. Consequently, the director's decision to deny the application for TPS is affirmed.

On September 20, 2006, CIS announced the termination of TPS for Liberia, effective October 1, 2007. As TPS for Liberians has been terminated, the fact that the applicant has not overcome the VSC Director's ground for denial has no practical effect.

ORDER: The appeal is dismissed as moot.