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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

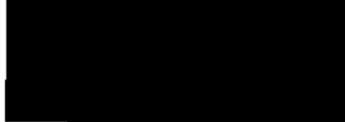


U.S. Citizenship
and Immigration
Services



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DATE: **FEB 06 2012** Office: CALIFORNIA SERVICE CENTER

FILE: 

IN RE: Applicant: 

APPLICATION: Application for Temporary Protected Status under Section 244 of the
Immigration and Nationality Act, 8 U.S.C. § 1254a

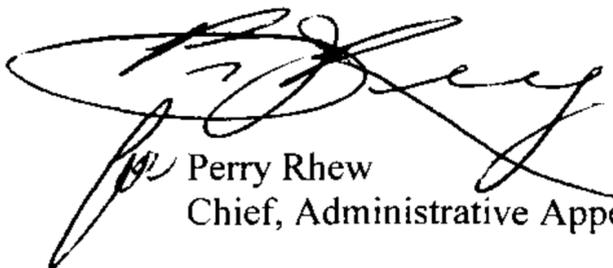
ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the California Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the California Service Center by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California 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 Haiti who was granted Temporary Protected Status under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the re-registered application because the applicant failed to: 1) submit the required Form I-601, Application for Waiver of Grounds of Inadmissibility, due to her inadmissibility under section 212(a)(6)(C)(i) of the Act; and 2) submit a properly completed Form I-821, Application for Temporary Protected Status (TPS).

On appeal, the applicant submits the required Form I-601, and requests that her application be reconsidered.

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 as designated by the Attorney General, now the Secretary, Department of Homeland Security (Secretary), 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 Secretary 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.

Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible. Section 212(a)(6)(C)(i) of the Act.

Except as provided in clause (iii), the Secretary may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Section 244(c)(2)(A)(ii) of the Act.

If an alien is admissible on grounds which may be waived, he or she shall be advised of the procedures for applying for a waiver of grounds of inadmissibility on Form I-601. 8 C.F.R. § 244.3(b)

The record reflects that on February 5, 2002, the applicant applied for admission into the United States by presenting a fraudulent Haitian passport and United States residence alien card. The applicant is, therefore, inadmissible under section 212(a)(6)(C)(i) of the Act. As noted above, such ground of inadmissibility may be waived.

On her re-registration application, the applicant did not answer the question at Part 4, item 2r, "Have you *EVER* been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so?"

On September 21, 2011, the applicant was provided the opportunity to file a Form I-601 with appropriate fee or fee waiver request. The applicant was also provided a copy of her re-registration application and was informed that the application was incomplete as she failed to answer the question at Part 4, item 2r. The applicant was advised that all questions on the application must be answered and the form must contain her original signature at Part 5. The applicant, however, failed to submit the waiver application and submit a properly completed Form I-821.

On appeal, the applicant submits the requested Form I-601. The applicant has, therefore, overcome the director's decision regarding the submission of the Form I-601. However, the applicant has failed to answer the question at Part 4, item 2r on her re-registration application. Therefore, the AAO upholds the director's findings of the applicant's failure to submit a properly completed Form I-821.

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.