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



U.S. Citizenship
and Immigration
Services

[Redacted]

DATE: **MAY 27 2015**

[Redacted]

IN RE: Applicant:

[Redacted]

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

ON BEHALF OF APPLICANT:

[Redacted]

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, withdrew the applicant's Temporary Protected Status (TPS). The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the applicant's re-registration application and withdrew TPS because the applicant failed to establish that she is a national of a foreign state designated by the Secretary, Department of Homeland Security (Secretary), and eligible for the granting of Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254a.

On appeal, the applicant asserts she is not a national or citizen of Jordan and that the country of her last habitual residence was Syria. The applicant contends that she is eligible for TPS based on her last habitual residence in Syria.

Applicable Law

The director may withdraw the status of an alien granted TPS under section 244 of the Act at any time if it is determined that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. 8 C.F.R. § 244.14(a)(1).

Pursuant to section 244(c) of the Act, an alien who is a national of a foreign state designated under subsection (b) of this section (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state) and who meets the requirements of subsection (c) of this section, may be granted TPS in the United States. Further, 8 C.F.R. § 244.2(a) provides that an alien who 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, may, in the discretion of the director, be granted TPS. Section 101(a)(21) of the Act defines the term "national" to mean a person owing permanent allegiance to a state.

The regulation at 8 C.F.R. § 244.9(a)(1) provides that each application must be accompanied by evidence of the applicant's identity and nationality, if available. If these documents are unavailable, the applicant shall file an affidavit showing proof of unsuccessful efforts to obtain such identity documents, explaining why the consular process is unavailable, and affirming that he or she is a national of the designated foreign state. A personal interview before an immigration officer shall be required for each applicant who fails to provide documentary proof of identity of nationality. Acceptable evidence in descending order of preference may consist of:

- (i) Passport;
- (ii) Birth certificate accompanied by photo identification; and/or
- (iii) Any national identity document from the alien's country of original bearing photo and/or fingerprint.

Facts and Procedural History

The record reflects that the applicant was approved for TPS on May 9, 2013. On April 2, 2014, the applicant submitted her re-registration application. The applicant indicated on the re-registration application that she is a national and citizen of Jordan and resided in Syria.¹ On January 23, 2014, the director issued a Notice of Intent to Deny (NOID) the re-registration application because the applicant is not eligible for TPS. The director noted that the evidence submitted by the applicant indicates that she is a national and citizen of Jordan. The director provided the applicant the opportunity to submit rebuttal evidence. The applicant responded with additional evidence which the director determined insufficient to establish eligibility for the benefit sought. The director denied the re-registration application and withdrew the TPS as it was determined that the applicant's country of nationality was not a designated foreign state eligible for TPS.

On appeal, the applicant asserts that she is eligible for TPS because she has lived in Syria her entire life as a Palestinian refugee. The applicant claims that although she was born in Jordan, she was not granted Jordanian citizenship. She states that Jordan issued her passport as a Palestinian refugee based on the agreement between Jordan and the United Nations to enable her to travel but not as proof of Jordanian citizenship. The applicant also asserts that the passport issued to her has no national number as only Jordanian citizens are issued passports with a national number. The applicant contends that she is eligible for TPS as her last habitual residence was Syria.

Analysis

The applicant indicated on her TPS application that she is a national and citizen of Jordan. The record reflects that she entered the United States on July 24, 2006, with a Jordanian passport and indicated on the Form I-94, Record of Arrival/Departure that she is a citizen of Jordan. The record also contains:

- A copy of the applicant's biographical U.S. visa page issued on June 15, 2006, in [REDACTED] Syria, which listed her nationality as Jordan.
- A copy of the biographic page of her Jordanian passport that was issued on September 8, 2005 with expiration date of August 8, 2010, indicating that the applicant was born in [REDACTED] Jordan bearing a national number – [REDACTED]
- A copy of the applicant's birth certificate indicating a birth place of [REDACTED] Jordan, nationality – Jordan and bearing a national number – [REDACTED] the same number on her passport.

¹ It is noted that the applicant indicated on her initial TPS application she filed on November 28, 2012 and a Form I-485, Application to Register Permanent Residence or Adjust Status she filed on December 29, 2006, that she is a national and citizen of Jordan.

² It is also noted that the applicant's marriage certificate indicates that the applicant had a previous passport No. [REDACTED] issued in Jordan on April 2, 2001.

- A copy of an International Driving Permit issued in Syria, copies of her children's birth certificates, a copy of her marriage certificate and an Attestation of Graduation from [REDACTED] University dated [REDACTED]

The evidence of record establishes that the applicant is a national and a citizen of Jordan. The applicant has consistently claimed to be a citizen of Jordan in her entry document to the United States and on all the applications for immigration benefits she has filed. Her claim on appeal that she is not a national or citizen of Jordan is not supported by the record.

The statute at section 244(c)(1)(A) of the Act and the regulation at 8 C.F.R. § 244.2(a) require that an alien must be a national of a designated foreign state or an alien having no nationality who last habitually resided in such designated state in order to be granted TPS. The country of Jordan is not a foreign state designated under section 244 of the Act. As a national of Jordan, the applicant cannot meet the TPS requirements. Section 244(c) of the Act provides that persons who last habitually resided in a TPS-designated state are eligible for TPS only if they have no nationality. In this case, the applicant has not provided any evidence to establish that she is not a national or citizen of Jordan or that she has expressly given up her rights to Jordanian citizenship. Although she has established she last habitually resided in Syria, she was residing in Syria as a Jordanian national and holding and using Jordanian nationality documents.

The applicant does not meet the eligibility requirements of being a national of a state or an alien having no nationality who last habitually resided in a state designated under section 244(b) of the Act. Consequently, the director's decision to deny the application for re-registration and to withdraw TPS will not be disturbed.

Conclusion

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.