



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF F-D-

DATE: AUG. 18, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

APPLICATION: FORM I-821, APPLICATION FOR TEMPORARY PROTECTED STATUS

The Applicant, a native and citizen of Haiti, seeks Temporary Protected Status (TPS). *See* Immigration and Nationality Act (the Act) section 244, 8 U.S.C. § 1254a. TPS provides lawful status and protection from removal for foreign nationals, of specifically designated countries, who register during designated periods, satisfy country-specific continuous residence and physical presence requirements, are admissible to the United States, are not firmly resettled in another country, and are not subject to certain criminal- and security-related bars.

The Director, Nebraska Service Center, denied the application. The Director concluded that as the Applicant's TPS was withdrawn in May 2013, the Applicant is not eligible to file for TPS re-registration.

The matter is now before us on appeal. In the appeal, the Applicant states that she is eligible for TPS renewal because the reinstatement of her removal order has been waived.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

The Applicant is seeking TPS based on an application for re-registration or renewal of TPS benefits. The regulations at 8 C.F.R. § 244.17 provide that applicants granted TPS must periodically re-register for TPS in accordance with USCIS instructions and during the registration period provided by USCIS. USCIS will withdraw an applicant's TPS status if she fails to re-register without good cause. *Id.*

An applicant must file for TPS within the initial registration period or, if filing for the first time during an extension period, must fall within the categories of individuals eligible for late registration described in 8 C.F.R. § 244.2(f)(2). Such individuals, under 8 C.F.R. § 244.2(g), must file for TPS within 60 days of the expiration of the condition that qualifies them for late registration.

Individuals who may qualify for late registration under 8 C.F.R. § 244.2(f)(2), include:

- (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.

Under 8 C.F.R. § 244.9, the burden of proof is upon the Applicant to establish that the above requirements are met through submission of all documentation required in the instructions or requested by USCIS. The Applicant must provide supporting documentary evidence of eligibility apart from her own statement and the sufficiency of the evidence will be judged according to its relevancy, consistency, credibility, and probative value. *Id.*

II. ANALYSIS

The only issue on appeal is whether the Applicant is eligible to re-register for TPS or qualifies for late initial registration. The Applicant's TPS was withdrawn in May 2013 and the TPS re-registration application currently on appeal was filed in May 2014. The Applicant asserts that she is eligible for TPS because she was granted a waiver for the reinstatement of her removal order. However, these assertions are addressed under separate cover, in our decision for the Applicant's appeal of her November 2012 TPS re-registration application. As the Applicant's TPS was already withdrawn prior to the filing of the TPS application for her current appeal, the basis for such withdrawal is not relevant to this decision. We find that the Applicant is currently ineligible to re-register for TPS and has not demonstrated that she qualifies for late initial registration.

A. Eligibility

As stated above, the Applicant has been found ineligible for TPS under 8 C.F.R. § 244.17(a).

1. Re-Registration

Filing an application for TPS during a designated re-registration period does not render all individuals eligible for the benefit sought. The re-registration period is limited to individuals who have previously registered for and been granted TPS, or those who did not file during the initial registration period and meet the late registration criteria described in 8 C.F.R. § 244.2(f)(2), (g).

The Secretary designated, in January 2010, and redesignated Haiti, in July 2011, as a country eligible for TPS. The TPS designation has been extended several times, with the latest extension granted until July 22, 2017.

In accordance with 8 C.F.R. § 244.17(a), an applicant must have been granted TPS prior to a subsequent re-registration for TPS benefits. However, at the time of the Applicant's filing for TPS re-registration, she had her TPS withdrawn and did not have a pending TPS application from the initial registration period. As such, the Applicant is not eligible to re-register for TPS.

2. Late Registration

As the Director's decision did not address whether the Applicant was attempting to file a late initial application for TPS, we will further consider her eligibility for late registration under 8 C.F.R. § 244.2(f)(2), (g).

An applicant who did not register for TPS during the initial registration period or subsequent extension of such designation may qualify for late registration upon satisfaction of the conditions in 8 C.F.R. § 244.2(f)(2), (g).

To meet the initial registration requirements for the redesignation in 8 C.F.R. § 244.2(f)(1), Haitian applicants must have filed TPS applications during the initial registration period, May 19, 2011, through November 15, 2011. If applicants did not file their initial TPS applications during this time period, they must meet the late registration requirements as stated above in 8 C.F.R. § 244.2(f)(2). Specifically, to qualify for late registration, the applicant must provide evidence that during the initial registration period for redesignation, from May 19, 2011, through November 15, 2011, the applicant fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above. If the qualifying condition or application has expired or been terminated, the individual must file within a 60-day period immediately following the expiration or termination of the qualifying condition in order to be considered for the late initial registration. 8 C.F.R. § 244.2(g).

The Applicant does not assert and the record does not reflect that she met any of the late registration provisions during the initial registration period for redesignation for Haiti.

The provisions for late registration outlined in 8 C.F.R. § 244.2(f)(2), (g) were created in order to ensure that TPS benefits were made available to aliens who did not register during the initial registration period due to circumstances specifically identified in the regulations. The Applicant has

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not established that she has met the provisions outlined in 8 C.F.R. §§ 244.2(f)(2), (g) for late registration.

III. CONCLUSION

An applicant for TPS has the burden of proving that he or she meets the requirements for this benefit and is otherwise eligible under the provisions of section 244 of the Act. The Applicant has not established eligibility for TPS. Accordingly, we dismiss the appeal.

ORDER: The appeal is dismissed.

Cite as *Matter of F-D-*, ID# 12120 (AAO Aug. 18, 2016)