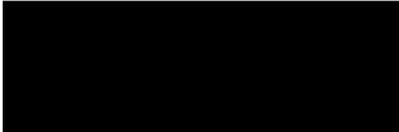


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FILE: [REDACTED]
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OFFICE: Vermont Service Center

DATE: DEC 04 2007

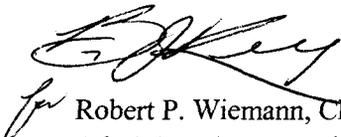
IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT: Self-represented

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant is a 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 VSC Director denied the current application on the ground that Citizenship and Immigration Services (CIS) records did not indicate the applicant had registered for TPS during the latest re-designation period for Liberian nationals or during the first extension period, and late initial filings are not allowed during the current termination period of TPS for Liberia.

The applicant has filed a timely appeal, but no further evidence.

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 October 1, 2002 (after a previous TPS designation terminated in 1999). The initial registration period was October 2, 2002 – April 1, 2003. On August 25, 2004, the Department of Homeland Security (DHS) terminated the existing TPS designation for Liberia and re-designated the country for TPS until October 1, 2005. The initial registration period pursuant to the re-designation was August 25, 2004 – February 21, 2005. On August 16, 2005, the TPS designation was extended to October 1, 2006. The registration period for the extension was August 16, 2005 – October 17, 2005. On September 20, 2006, CIS announced the termination of TPS for Liberia, effective October 1, 2007. Extensions of TPS until that date were restricted to aliens who were already TPS registrants or had previously filed applications pending. The registration period for these final extensions was September 20, 2006 – November 20, 2006.

The record shows that the applicant was originally approved for TPS by the Philadelphia District Office in 1999, and was approved twice more by that office in March and November 2003. The applicant filed the current TPS application at the VSC on October 16, 2006. The VSC Director denied the application on December 26, 2006, on the ground that the applicant had not registered for TPS during the initial registration period (August 25, 2004 to February 21, 2005) pursuant to Liberia's re-designation for TPS, or during the registration period prescribed for the first extension of TPS (August 16, 2005 to October 17, 2005), which made the current application a late initial application that is not allowed during the termination period for Liberia.

The applicant filed an untimely appeal, which was accepted by the VSC as a motion to reopen and adjudicated on the merits. The applicant asserted that she had tried to file an application for TPS in 2004, during the initial registration period pursuant to Liberia's re-designation for TPS, but that it was returned due to an incorrect fee and re-submitted by the applicant with the correct fee after the filing deadline. In a decision dated July 2, 2007, the director noted that the record did not corroborate the applicant's claim to have submitted an application with incorrect fee in 2004, that the applicant had not provided any evidence in support of this claim, and that even if the applicant's claim is true, the filing date of the application would be the date it was received with the correct fee (which the applicant appears to acknowledge was after the close of the initial registration period). The director affirmed his previous decision and denied the application for TPS.

The applicant filed a timely appeal, but has failed to include the requisite "statement explaining any error or conclusion of law in the decision being appealed and/or any erroneous statement of fact stated in the decision," as prescribed on Form I-290B. The applicant indicated on the appeal form that no supplemental brief and/or additional evidence would be submitted.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. *See* 8 C.F.R. § 103.3(a)(1)(v).

Inasmuch as the applicant has failed to identify specifically any erroneous conclusion of law or statement of fact in these proceedings, the appeal must be summarily dismissed.

An alien applying for TPS has the burden of proving that he or she meets the requirements and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet that burden.

ORDER: The appeal is summarily dismissed.