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U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date:

NOV 16 2007

IN RE:

Applicant:



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 office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant is a native and citizen of Liberia who seeks Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant failed to establish she was eligible for late registration.

On appeal, the applicant states that she missed the deadline because she was a minor and was unaware of the need to register. She submits a previously submitted document.

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 temporary protected status only if such alien establishes that he or she:

- (a) 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;
- (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 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.

- (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.

On August 24, 2004 the Department of Homeland Security (DHS) terminated its previous designation of Liberian TPS and re-designated TPS for Liberians. Persons applying for TPS offered to Liberians under this re-designation must demonstrate continuous physical presence in the United States since August 24, 2004, and continuous residence October 1, 2002. The initial registration period under the re-designation for Liberians was from August 25, 2004, to February 21, 2005. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until October 1, 2006, upon the applicant's re-registration during the requisite time period. DHS decided to terminate Liberian TPS at the end of the last extension period and that termination took effect on October 1, 2007.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the four provisions described in 8 C.F.R. § 244.2(f)(2) above.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by Citizenship and Immigration Services (CIS). 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

The record reflects that the applicant filed a TPS application on December 2, 2004, during the initial registration period. On September 14, 2005, the director denied that application for failure to appear for a scheduled appointment. The director informed the applicant that she had until October 2, 2005 to appeal the decision. The applicant did not appeal.

The applicant filed her current TPS application on October 17, 2006 - over one year after the close of the initial registration period for Liberians under the latest re-designation. The director accepted the application under the late filing provision in 8 C.F.R. § 244.2(f)(2). The only document the applicant submitted in support of her application was a copy of the Employment Authorization Document (EAD) issued to her on November 8, 2001, during a previous TPS designation.

The director determined that the applicant had failed to establish she was eligible for late registration, and denied the application on January 1, 2007.

On appeal, the applicant states that she did not timely register because she was a minor and in high school at the time of registration and was ignorant about immigration policy and resubmits a copy of her November 8, 2001, EAD.

The record indicates that the applicant was initially granted TPS on November 8, 2001, under the prior designation of Liberia for the TPS program. That designation terminated on August 24, 2004.

The applicant did not file her Form I-821 until October 17, 2006. None of the documentation submitted overcomes the applicant's failure to file her TPS application within the initial registration period. The applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in the regulations at 8 C.F.R. § 244.2(f)(2).

An alien applying for temporary protected status 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.