

U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

MI

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

AUG 04 2003

FILE: 
SRC 02 140 54643

OFFICE: TEXAS SERVICE CENTER DATE:

IN RE: Applicant: 

PUBLIC COPY

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 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.

Cindy N. Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

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

The director determined that the applicant failed to submit additional evidence, as had been requested, to establish eligibility for temporary protected status. The director, therefore, denied the application due to abandonment pursuant to 8 C.F.R. § 244.9(c).

On appeal, the applicant claims that he has been residing in the United States from 1998 to the present time. He states that at the time of the first application period, he was economically in bad shape, his job was cancelled, and he did not have any money, therefore, he gave priority to other necessities thinking that he would solve this later. The applicant further states that he did not apply because of his fear of being deported. He submits additional evidence of his residence in the United States.

The record reflects that the applicant filed the TPS application on April 4, 2002. In a notice of intent to deny the application, the applicant was granted 30 days in which to submit: (1) photo identification; (2) evidence that he has continuously resided in the United States since December 30, 1998; (3) evidence that he has been continuously physically present in the United States since January 5, 1999; and (4) evidence to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. In his decision, the director stated that the notice was returned to the Bureau as undeliverable. The director, therefore, denied the application due to abandonment.

On appeal, the applicant furnished a copy of his birth certificate; a statement and a patient history report for dental care during the period July 4, 1999 through March 6, 2000; four rent receipts dated November 3, 1998, February 3, 1999, April 3, 1999, and May 5, 2000; a sales receipt dated August 1999; and an affidavit from an individual who stated he has known the applicant since August 1999, as evidence of his residence in the United States. No other evidence, as requested by the director, was furnished to establish eligibility.

8 C.F.R. § 103.2(b)(13) provides that if all requested initial evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under 8 C.F.R. § 103.5.

The only evidence of a submitted change of address from the applicant that is included in the record is dated January 25, 2003, and received by the director on January 31, 2003.

The director denied the application due to abandonment, pursuant to 8 C.F.R. § 244.9(c). An appeal was subsequently filed by the applicant. However, there is no appeal of the director's decision in the present case. The appeal will, therefore, be rejected. If the applicant has additional evidence for the record, such documentation should be forwarded on a motion to reopen to the office having jurisdiction over the present application (the office which rendered the initial decision).

ORDER: The appeal is rejected.