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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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

**AUG 04 2003**

FILE:



SRC 02 204 55754

OFFICE:

TEXAS SERVICE CENTER

DATE:

IN RE: Applicant:



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

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 states that she entered the United States in 1998. She states that she did not apply for TPS during the initial registration period because she lacked knowledge about the program and she feared that she would be deported if she submitted an application.

The record reflects that the applicant filed the TPS application on June 19, 2002. In a notice of intent to deny the application, the applicant was granted 30 days in which to submit: (1) evidence that she has continuously resided in the United States since December 30, 1998; (2) evidence that she has been continuously physically present in the United States since January 5, 1999; and (3) evidence to establish that she was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. Because the applicant failed to comply, the director denied the application due to abandonment.

On appeal, the applicant states she failed to apply for temporary protected status because she did not have knowledge about the program and she feared she could be deported. No 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 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.