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U.S. Department of Homeland Security

Citizenship and Immigration Services

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



FILE# [redacted]
SRC 02 202 56537

Office: Texas Service Center

Date: DEC 15 2003

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 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 (AAO) 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 had failed to establish that she: (1) was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999; (2) has continuously resided in the United States since December 30, 1998; and (3) has been physically present since January 5, 1999. The director noted that the applicant claimed in her application that she did not enter the United States until January 1, 1999; therefore, she did not meet the requirements of TPS. The director, therefore, denied the application.

On appeal, the applicant states that she will send a brief and/or evidence to the AAO within 30 days. To date, the file contains no further response from the applicant.

8 C.F.R. § 103.3(a)(2) states, in pertinent part, that the affected party shall file an appeal, with fee, including any supporting brief with the office where the unfavorable decision was made within 30 days after service of the decision.

8 C.F.R. § 103.3(a)(2)(v)(B)(1), states, in part:

An appeal which is not filed within the time allowed must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

The record reflects that the director denied the application on July 1, 2002. The applicant was advised that she may file an appeal, along with the required fee and any supporting brief, within 30 days of the service of the decision. On January 24, 2003, more than six months after the director's decision, the appeal was filed with the Service.

Based on the applicant's failure to file a timely appeal, the appeal will be rejected.

ORDER: The appeal is rejected.