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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



DEC 18 2003

FILE: 
SRC 02 164 54598

Office: Texas Service Center

Date:

IN RE: Applicant: 

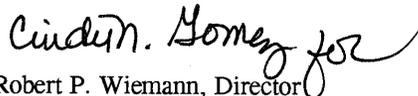
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. 1254

IN BEHALF OF APPLICANT: Self-represented

PUBLIC COPY

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.


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 that he was eligible for late initial registration. The director, therefore, denied the application due to abandonment, pursuant to 8 C.F.R. § 244.9(c).

On appeal, the applicant states that he is enclosing copies of documents to show that he has been living in the United States since 1997 to the present. He further states that he did not submit an application initially because he was economically unable to do so, and he was afraid of being deported. The applicant provided documentation showing his presence in the United States. No evidence, however, was furnished to establish that he was eligible for late initial registration.

The record reflects that the applicant filed his TPS application on July 1, 2002. He was requested on October 20, 2002, to submit evidence that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. The director listed in her request the criteria the applicant must meet in order to be eligible for late filing, pursuant to 8 C.F.R. § 244.2(f)(2). The applicant was granted 30 days from the date of the request in which to submit evidence in support of the application and in opposition to the denial. He was advised that if all requested evidence is not submitted by the required date, the application shall be considered abandoned and, accordingly, shall be denied.

8 C.F.R. § 103.2(b)(13) provides that if all requested initial evidence and requested additional 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.