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U.S. Department of Justice  
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

File:



Office: Vermont Service Center

Date: FEB 10 2003

IN RE: Applicant: FLORIA MARTINEZ  
aka JOSEFA ORELLANA DE SANDERS  
aka JOSEFA O. RODRIGUEZ  
aka FLORIA MARTINEZ ZALDIVAR

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

IN BEHALF OF APPLICANT:



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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont Service Center. The matter is now before the Associate Commissioner on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Honduras who indicated on his application that he entered the United States in May 1997, without a lawful admission or parole.

The applicant initially filed the application for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1254, on June 19, 1999. The application was denied by the director on October 10, 2000, due to abandonment pursuant to 8 C.F.R. 103.2(b)(13). There is no appeal of such a decision, but the alien was allowed until November 18, 2000, to file a motion to reopen. The record does not reveal that the applicant filed a motion to reopen within the time allotted.

On November 6, 2000, the director denied the application for extension of employment authorization because the applicant's initial application for TPS had been denied.

On August 6, 2001, the applicant filed an application for re-registration along with an application for an extension of her employment authorization. On October 10, 2001, the director denied the application for re-registration because the applicant's previously filed TPS application was never approved.

On appeal, the representative asserts that it was not the applicant's intention to abandon her application as she was not aware that she had an interview to be fingerprinted. The representative requests that the application be reconsidered as he claims:

it was only recently, after she received the notice denying her application, that she went to inquire personally at the office of Catholic Charities, where her application was originally prepared, and there she was given the letter indicating that she had an appointment for fingerprints.

However, a notice sent to an alien's representative of record constitutes notice to the alien. Matter of Barocio, 19 I&N Dec. 255 (BIA 1985).

Consequently, the director's decision to deny the application for re-registration will be affirmed.

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.