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U.S. Department of Justice

Immigration and Naturalization Service



OFFICE OF ADMINISTRATIVE APPEALS  
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Washington, D.C. 20536



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FILE:   
SRC 02 173 54315

Office: Texas Service Center

Date: JAN 10 2003

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

**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.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center, and is now before the Associate Commissioner for Examinations 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 provide all of the requested information. He further determined that the applicant failed to provide evidence to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. The director, therefore, denied the application.

On appeal, the applicant states that he can get more proof that he was in the United States during the period from January 5, 1999 to August 20, 1999. He indicates that he needs 30 days in which to submit a brief and/or additional evidence. However, it has been approximately three months since the filing of the appeal and no additional statement or evidence has been provided.

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.

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

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 18, 2002. The applicant was advised that he may file an appeal, along with the required fee and any supporting brief within 30 days of the service of the decision. On September 3, 2002, approximately 47 days after the director's decision, the appeal was filed with the Service.

Accordingly, the appeal will be rejected.

**ORDER:** The appeal is rejected.