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U.S. Department of Justice

Immigration and Naturalization Service

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



FILE: [Redacted]  
SRC 02 178 56282

Office: Texas Service Center

Date: JAN 18 2007

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

IN RE: Applicant: [Redacted]

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 submit additional evidence, as had been requested, to establish eligibility for filing after the initial registration period. The director, therefore, denied the application due to abandonment pursuant to 8 C.F.R. 244.9(c).

On appeal, the applicant claims that she has been residing in the United States from 1998 to the present time. She states that at the time of the first application, she was economically in bad shape, her job was cancelled, and she did not have any money, therefore, she gave priority to other necessities thinking that she would solve this later. The applicant further states that she did not apply because of her fear of being deported. She submits additional evidence of her residence in the United States.

The record reflects that the applicant filed the TPS application on May 20, 2002. In a notice of intent to deny the application, the applicant was granted 30 days in which to submit: (1) photo identification; (2) evidence that she has continuously resided in the United States since December 30, 1998; (3) evidence that she has been continuously physically present in the United States since January 5, 1999; and (4) 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 furnished documents dated March 29, 1999, August 10, 1999, and October 22, 1999, as evidence of her residence in the United States. No other 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.