



M

U.S. Department of Justice

Immigration and Naturalization Service

Identify [redacted] led to
prevent [redacted]
invasion of [redacted] privacy

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



FILE: [redacted]
SRC 02 139 55816

Office: Texas Service Center

Date:

JAN 30 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

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.

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 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 submits additional evidence of his residence in the United States. He indicates that he is sending a brief and/or evidence within 30 days. 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 15, 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 6, 2002, approximately 53 days after the director's decision, the appeal was filed with the Service.

Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.