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U.S. Department of Justice  
Immigration and Naturalization Service

**PUBLIC COPY**

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



JAN 30 2003

FILE:

[Redacted]  
SRC 02 177 50391

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

**identifying data deleted to  
prevent unauthorized  
invasion of personal privacy**

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 states that he applied for TPS for the first time in the year 2000 and he did not continue with the application due to his ignorance of the English language. He submits additional evidence of his residence in the United States.

The record reflects that the applicant filed the TPS application on May 16, 2002. In a notice of intent to deny the application, the applicant was granted 30 days in which to submit evidence to establish that he 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 as evidence of his residence in the United States since 1994. No evidence, however, was furnished to establish that he was eligible for filing after the initial registration period.

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 evidence should be forwarded on a motion to reopen to the office that rendered the initial decision.

**ORDER:** The appeal is rejected.