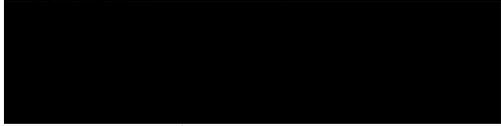


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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

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



ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

FILE:  OFFICE: TEXAS SERVICE CENTER DATE: **OCT 28 2003**

IN RE: Applicant: 

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

ON 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.

Robert P. Wiemann for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office 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 she has resided in the United States since February 11, 1996. She claims she was unable to file an application for TPS within the initial registration period because she was pregnant and having health and financial problems at the time. The applicant states she was unable to respond to the notice of intent within the 30 day period allowed, and she submits additional evidence of her residence in the United States.

The record reflects that the applicant filed the TPS application on May 13, 2002. In a notice of intent to deny the application, the applicant was granted 30 days in which to submit 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 an affidavit from her former landlord and an employment verification letter, 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 that rendered the initial decision).



It is noted that the applicant appears to have another record with the Bureau, A70 119 598, indicating an arrest by the Investigations branch in the Phoenix, Arizona, office. No disposition of that arrest is included in this record.

ORDER: The appeal is rejected.