



U.S. Citizenship  
and Immigration  
Services

M

[Redacted]

FILE: [Redacted] Office: TEXAS SERVICE CENTER Date:

AUG 13 2014

IN RE: Applicant: [Redacted]

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

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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**DISCUSSION:** The application was denied by the Director, Texas Service Center. A motion to reopen, filed by the applicant, was granted by the director and he again denied the application. The applicant appealed the director's decision on the motion, and is now before the Administrative Appeals Office (AAO) 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. § 1254.

The director denied the application after determining that the applicant had abandoned his application by failing to respond to a request for evidence.

If all requested initial evidence and requested additional 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)(13). A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen. 8 C.F.R. § 103.2(b)(15).

The applicant filed a motion to reopen his case on June 6, 2002, and furnished a change of address. On June 21, 2003, the director reopened the case and the applicant was provided another opportunity to submit the requested evidence. In response, the applicant provided evidence in an attempt to establish his continuous residence and physical presence in the United States during the qualifying period. The director determined that the evidence furnished on motion failed to establish eligibility for the requested relief. She noted that the applicant failed to submit evidence to establish eligibility for late initial registration. Therefore, the director affirmed his decision to deny the application on July 17, 2003.

Pursuant to 8 C.F.R. § 103.5(a)(6), a field office decision made as a result of a motion may be applied to the AAO only if the original decision was appealable to the AAO. The director's original decision on May 11, 2002, was not appealable to the AAO because it was denied based on abandonment. Therefore, the appeal must be rejected.

**ORDER:** The appeal is rejected.