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U.S. Department of Homeland Security  
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Washington, DC 20529

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U.S. Citizenship  
and Immigration  
Services



FILE:



Office: TEXAS SERVICE CENTER

Date:

NOV 04 2004

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

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, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center, 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 determined that the applicant failed to provide all of the requested information. She further determined that the applicant failed to provide evidence to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. The director noted that the applicant furnished an affidavit from [REDACTED] and copies of her EAD card and Texas ID Card; however, the record still did not contain all of the requested information. The director, therefore, denied the application.

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.

8 C.F.R. § 103.5a(b) states, in part, that whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing.

The record reflects that the director denied the application on November 13, 2002. The decision clearly advised the applicant that any appeal, along with the required fee and any supporting brief, must be filed within 30 days of the service of the decision. Coupled with 3 days for mailing, the appeal, in this case, should have been filed on or before December 16, 2002. The Form I-290B, Notice of Appeal, is very clear in indicating that the appeal is not to be sent directly to the AAO; but, rather, to the "office which made the unfavorable decision." The applicant, nevertheless, sent his appeal to the AAO. The appeal is not considered properly received until it is received by the Service Center that rendered the unfavorable decision. The appeal was properly received at the Texas Service Center on January 22, 2003.

Based on the applicant's failure to file a timely appeal, the appeal will be rejected.

**ORDER:** The appeal is rejected.