

PUBLIC COPY

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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



M I

FILE:



Office: TEXAS SERVICE CENTER

Date: **NOV 17 2004**

IN RE:

Applicant:



APPLICATION:

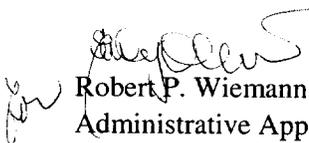
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 denied the application because the applicant failed to establish she was eligible for late registration.

An appeal that is not filed within the time allowed must be rejected as improperly filed. In such a case, any filing fee accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(B)(1).

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. 8 C.F.R. § 103.5a(b).

The director's decision of denial, dated November 8, 2003, clearly advised the applicant that any appeal must be properly filed within thirty days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). Coupled with three days for mailing, the appeal, in this case, should have been filed on or before December 11, 2003. The appeal was received at the Texas Service Center on January 22, 2004. The applicant's previous attempt to file the appeal on December 18, 2003, was also late and was rejected due to failure to submit the required fee.

It is noted that the evidence submitted on appeal would not have overcome the finding of the director. The applicant states on appeal that she is applying for TPS as a beneficiary of her husband who is El Salvadoran and has been granted TPS. The applicant, however, did not provide any evidence that her husband had been granted TPS. Moreover, the Declaration and Registration of Informal Marriage, Harris County, Texas, indicates that it was filed with the State of Texas on August 18, 2003, and, therefore, was not valid during the initial registration period, which for Hondurans was from January 5, 1999, through August 20, 1999.

In addition, it is noted that Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999. On appeal, the applicant submitted photocopies of pages of her Honduran passport indicating that she arrived in the United States on March 15, 2001, at Houston, Texas. The applicant has also not met the required dates of residence for nationals of Honduras in order to be granted TPS.

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

ORDER: The appeal is rejected.