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

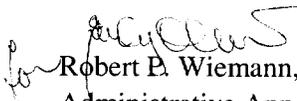
IN RE: Applicant: [REDACTED]

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.


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 (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 that he was eligible for late registration. The director also noted that the applicant failed to submit a translation of his birth certificate, a copy of his driver's license, and photo identification or a national identity document bearing a photograph and/or fingerprint.

It is noted that the evidence submitted with the initial application included a photocopy of the applicant's State of Florida Identification Card issued on March 13, 2001, and his State of Florida Driver License issued on March 15, 2001. Therefore, the director's finding that the applicant failed to submit a copy of his driver's license, and photo identification is withdrawn.

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 5, 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 8, 2003. The initial attempt to file the appeal was returned to the applicant because the appeal notice had not been properly signed. The appeal was subsequently received at the Texas Service Center on December 18, 2003.

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

It is noted that the applicant's year of birth appears to have been altered on the submitted birth certificate. The signature of [REDACTED] on the Universal Cambios receipt dated December 20, 1998, does not match the applicant's signature as it appears on his Form I-821, Application for Temporary Protected Status, Form I-765, Application for Employment Authorization, and the Form I-290B, Notice of Appeal.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The appeal is rejected.