



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]

Office: TEXAS SERVICE CENTER Date: SEP 17 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
Robert P. Wiemann, Director
Administrative Appeals Office

SEP 17 2014
TEXAS SERVICE CENTER
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

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.

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 October 15, 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 November 17, 2003. The appeal was received at the Texas Service Center on November 19, 2003.

It is noted that, on appeal, the applicant reiterated his statement made in response to the director's request for additional evidence and notice of intent to deny, namely his assertion that he had applied for TPS during the initial registration period. The applicant states that in May 1999 he applied for TPS through an immigration consulting agency in Little Havana, Miami, Florida, that charged him \$600. The applicant stated the agency went out of business and did not leave further contact information in order for him to retrieve correspondence and documentation about his earlier filing. The applicant did not submit any corroborating evidence of having filed for TPS during the initial registration period. The record does not include any evidence of an earlier filing. In addition, Citizenship and Immigration Service (CIS) records do not reflect an earlier TPS filing under the applicant's name and date of birth.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

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

ORDER: The appeal is rejected.