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U.S. Citizenship
and Immigration
Services

MAI

[Redacted]

FILE: [Redacted]

Office: TEXAS SERVICE CENTER Date: SEP 27 2006

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.

Cindy N. Gomez 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 she is eligible for late registration. The director also noted that the applicant failed to submit photo identification as requested.

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 3, 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 appeal was received at the Texas Service Center on December 29, 2003.

It is noted that, on appeal, the applicant reasserts that she first applied in May 1999, during the initial registration period, through an immigration consulting agency in Little Havana, Miami, Florida. She states that she paid \$600, and that the agency went out of business, leaving no forwarding information. The applicant submits a photocopy of her State of Florida Identification Card issued November 16, 2000. She does not submit any other additional evidence on appeal. It also is noted that the record contains no corroborative evidence of an earlier TPS filing, and CIS records do not reflect an earlier filing under the applicant's name and date of birth.

Beyond the decision of the director, it is further noted that the applicant failed to submit sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the requisite periods.

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

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.