



U.S. Citizenship
and Immigration
Services

1/11

[REDACTED]

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.

Robert P. Wiemann
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). The matter before the AAO must 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 was eligible for late registration.

On the Form I-290B, Notice of Appeal, the applicant stated that she is willing to demonstrate that she has all the evidence to prove that she has been living in the United States since 1997. With the Form I-290B, the applicant also submitted: a photocopy of the Notice of Intent to Deny dated October 3, 2003; handwritten receipts dated January 29, 1999, March 1, 1999, April 1, 1999, July 1, 1999; and, a receipt dated June 5, 1999, from Jackson Memorial Hospital, Miami, Florida.

It is noted that the Form I-290B is date-stamped as having been received at the Texas Service Center on October 21, 2003, subsequent to the issuance of the Notice of Intent to Deny dated October 3, 2003. It appears that the applicant submitted these materials in response to the director's notice of intent to deny the application.

The director's Notice of Decision denial notice dated November 6, 2003, specifically refers to the applicant's response of October 21, 2003, and lists the receipts dated in 1999. The director apparently accepted the appeal as the response to the Notice of Intent to Deny. The director's denial notice informed the applicant that the materials she submitted in October 2003 were insufficient to establish her eligibility for late registration. The director, therefore, denied the application.

It is noted that the applicant has failed to overcome the director's findings. The director's denial notice advised the applicant that she had the right to appeal the decision within 30 days after notice of the decision. The record, however, does not contain any further appeal to the director's decision; therefore, no appeal is currently pending before the AAO.

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 application before the AAO must be rejected.