



U.S. Citizenship  
and Immigration  
Services

11/11

[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 he was eligible for late registration.

On the Form I-290B, Notice of Appeal, the applicant indicated in full: "Appeal: I-765. I-821." The applicant also checked the box indicating that a brief and/or additional evidence would be submitted within 30 days. To date, however, no additional evidence has been received. Therefore, the record must be considered complete.

Along with the Form I-290B, the applicant submitted a photocopy of the director's Notice of Intent to Deny dated September 19, 2003. The applicant submitted a photocopy of his letter dated September 15, 2003, in which he states that he has no evidence of his presence in the United States during the requisite periods because he had no identification or work authorization, and asks for clemency to obtain his work authorization on humanitarian grounds. The applicant also submitted his letter dated October 10, 2003, in which he states that his application was sent back and asks for help in obtaining TPS. In addition, the applicant submitted his letter dated December 20, 2001, in which he states that he had tried to supply Citizenship and Immigration Services (CIS) with evidence about himself and asks for clarification as to why "in return I only got a turn down." On this December 20, 2001, letter a postscript indicates: "See Atteched [sic] Rejecte[d] Documents;" however, no documents have been attached.

It is noted that the Form I-290B is date-stamped as having been received at the Texas Service Center on October 22, 2003, subsequent to the issuance of the Notice of Intent to Deny dated September 19, 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 to Deny, dated November 11, 2003, specifically refers to the September 19, 2003, Notice of Intent to Deny and the applicant's response received on "October 29, 2003." 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 he submitted in October 2003 were insufficient to establish his 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 he had the right to appeal the denial 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.

Beyond the decision of the director, it also is noted that the record reflects that, other than his own letters described above, the applicant failed to submit any evidence establishing his nationality, continuous residence, and continuous physical presence in the United States during the requisite periods.

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.