



U.S. Citizenship  
and Immigration  
Services

M



FILE: [REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE: Applicant:



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, Director  
Administrative Appeals Office

**PUBLIC COPY**  
Identifying data deleted to  
prevent clearly unwarranted  
disclosure of personal privacy

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant is a native and citizen of El Salvador 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 submit the \$50.00 service fee for fingerprinting as required.

On appeal, the applicant submits a statement and additional evidence.

Pursuant to 8 C.F.R. § 244.6, every applicant who is 14 years of age or older must be fingerprinted on Form FD-258, Applicant Card.

Pursuant to 8 C.F.R. § 103.2(e)(4)(iii):

*Insufficient service fee for fingerprinting.* Applications and petitions for immigration benefits received by the Service without the correct service fee for fingerprinting will not be rejected as improperly filed, pursuant to paragraph (a)(7)(i) of this section. However, the application or petition will not continue processing and the Service will not issue a notice requesting appearance for fingerprinting to the individuals who require fingerprinting until the correct service fee for fingerprinting has been submitted. The Service will notify the remitter of the filing fee for the application or petition of the additional amount required for the fingerprinting service fee and request submission of the correct fee. The Service will also notify the applicant or petitioner, and, when appropriate, the applicant or petitioner's representative, as defined in paragraph (a)(3) of this section, of the deficiency. Failure to submit the correct fee for fingerprinting will result in denial of the application or petition for failure to submit the correct service fee for fingerprinting. There is no appeal from the denial of an application or petition for failure to submit the correct service fee for fingerprinting. A motion to re-open an application or petition denied for failure to submit the correct service fee for fingerprinting will be granted only on proof that:

- (A) The correct service fee for fingerprinting was submitted at the time of filing the application or petition;
- (B) The correct service fee for fingerprinting was submitted in response to the notice of deficiency within the time allotted in the notice; or,
- (C) The notice of deficiency was sent to an address other than the address on the application or petition, or the notice of representation, or that the applicant or petitioner notified the Service, in writing, of a change of address or change of representation subsequent to filing and before the notice of deficiency was sent and the Service's notice of deficiency was not sent to the new address.

The record indicates that the applicant filed her Form I-821, Application for Temporary Protected Status, on July 24, 2001. At that time, she was not required to submit the service fee for fingerprinting because she was only 12 years old.

However, the applicant's fourteenth birthday was on April 5, 2003. Therefore, in accordance with 8 C.F.R. § 244.6, she was required to be fingerprinted as of that date.

On October 8, 2003, the director issued a notice informing the applicant that she was required to be fingerprinted and instructing her to submit the fee of \$50 before she could be scheduled for fingerprinting. The notice was sent to the applicant at her address of record, [REDACTED] but she failed to respond to the notice.

The director, therefore, properly denied the application because the applicant failed to submit the required fingerprint service fee of \$50. The director advised the applicant that she could file a motion to reopen the matter within thirty (30) days of the denial of her application; however, the applicant filed an appeal rather than a motion to reopen. The AAO has no jurisdiction over this case. Therefore, the appeal must be rejected.

It is noted that the applicant states, on appeal, that she was a minor at the time her application was filed; however, as previously stated, once she became 14 years old, she was required to be fingerprinted. The applicant further claims that she never received the notice; however, the notice was mailed to the applicant at her address of record, the same address she listed on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit (AAU), when she filed her appeal on February 20, 2004. Therefore, the applicant's failure to submit the required fingerprint fee cannot be excused on this basis. Further, the applicant has not established that she submitted the required fee within the time allotted in the notice.

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.

**ORDER:** The appeal is rejected.