



U.S. Citizenship
and Immigration
Services

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

MI



FILE: [REDACTED]
[SRC 02 262 54105]

Office: TEXAS SERVICE CENTER

Date: APR 26 2005

IN RE: Applicant:



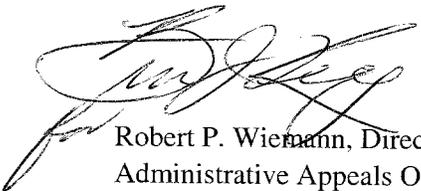
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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

DISCUSSION: The application was denied by the Director, Texas 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 determined that the applicant was ineligible for TPS under section 244(c)(2)(B)(i) of the Act because he had failed to establish that he had resided in the United States since February 13, 2001.

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).

An affected party has thirty days from the date of an adverse decision to file an appeal pursuant to the regulations at 8 C.F.R. § 103.3(a)(2)(i). The director's decision of denial is dated April 13, 2004. Coupled with three days for mailing, the appeal in this case should have been filed on or before May 17, 2004. The appeal was not properly received at the Texas Service Center until May 21, 2004.

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

ORDER: The appeal is rejected.