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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

FEB 08 2005

[WAC 0117156817]

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:

[REDACTED]

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, California Service Center. The director subsequently dismissed a motion to reopen and reconsider the matter. The matter is now before the Administrative Appeals Office (AAO) 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.

On February 2, 2004, the director denied the application due to abandonment because the applicant failed to appear to be fingerprinted or request another appointment to be fingerprinted. The director informed the applicant that there is no appeal from a denial due to abandonment, but he could file a motion to reopen the matter within 33 days of the date of issuance of the Notice of Decision.

On February 11, 2004, the applicant filed a motion to reopen the matter. The applicant stated that he failed to appear to be fingerprinted because he never received the fingerprint notice.

On March 1, 2004, the director dismissed the motion because it did not meet the requirements of a motion to reopen as set forth at 8 C.F.R. § 103.5(a)(4).

The applicant filed an appeal on March 31, 2004. On appeal, counsel admits that the applicant never reported his most recent address change to Citizenship and Immigration Services, but insists that the applicant has not abandoned his application since he has continued to apply for extensions of his employment authorization.

Pursuant to 8 C.F.R. 103.5(a)(6), a field office decision made as a result of a motion may be appealed to the AAO only if the original decision was appealable to the AAO.

Pursuant to 8 C.F.R. 103.2(b)(15), there is no appeal from a denial due to abandonment.

In this case, the director denied the application due to abandonment. Since there is no appeal from a denial due to abandonment, the original decision was not appealable to the AAO. The director has already dismissed the applicant's motion to reopen. Therefore, the appeal must be rejected.

ORDER: The appeal is rejected.