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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

MI



FILE:



[WAC 03 261 53934]

Office: CALIFORNIA SERVICE CENTER

Date: FEB 09 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:

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

DISCUSSION: The application was denied by the Director, California Service Center, and 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.

The record reveals the applicant has been arrested and charged with the following offenses:

1. The applicant was arrested by police officers in North Las Vegas, Nevada, on July 28, 2002, on the charge of 02138M - Battery, DV 1
2. The applicant was arrested by police officers in North Las Vegas, Nevada, on July 13, 2003, on the following charges:

Charge 1 - 01042M, Reckless Driving 01

Charge 2 - 00998M, Failure to Yield to Emergency Vehicle 01

Charge 3 - 01045M, Driving Under the Influence of Alcohol 01

Charge 4 - 02025M, Open Container of Alcohol in Vehicle 01

On March 4, 2004, the applicant was requested to provide certified copies of the final court dispositions of these charges. The applicant responded to the notice on March 19, 2004, but he did not provide certified copies of the final court dispositions of his charges as requested.

The director denied the application because he found that the applicant had failed to submit requested evidence relating to his criminal record.

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).

The director's decision of denial, dated March 26, 2004, clearly advised the applicant that any appeal must be properly filed within thirty days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). Coupled with three days for mailing, the appeal, in this case, should have been filed on or before April 28, 2004. The appeal was received at the California Service Center on April 29, 2004.

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

ORDER: The appeal is rejected.