



U.S. Citizenship
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Services

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FILE:



Office: TEXAS SERVICE CENTER Date:

[SRC 01 231 64050]

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was rejected by the Director, Texas 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 director rejected the application after determining that a previous application filed by the applicant had been denied for abandonment.

If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen. 8 C.F.R. § 103.2(b)(15).

The record reveals that the applicant filed her initial TPS application on May 30, 2001. On October 26, 2001, the applicant was requested to submit copies of the biographic pages of her El Salvadoran passport or a national identity card from her country of origin, or a copy of a United States or State-issued photo identification. The record does not contain a response from the applicant to the request; therefore, the director concluded that the applicant had abandoned her application and issued a Notice of Decision denial on March 12, 2002. The director advised the applicant that the decision could not be appealed, but that the decision is without prejudice to the consideration of subsequent applications filed.

On September 29, 2003, the applicant filed an appeal in response to a rejection notice she received dated September 6, 2003, which informed her that her re-registration TPS and employment authorization applications were being returned because her initial TPS application had been denied on March 12, 2002. The applicant asserts that she never received the denial notice or a notice requesting additional evidence to establish her eligibility for TPS. The applicant requests to be informed of the type of additional evidence necessary as proof in her case. **It is noted that the applicant's address on appeal is the same as that provided on her applications, to which the request for additional evidence and the denial decision were also mailed.**

As there is no appeal available for the decision the applicant seeks to appeal, this appeal must be rejected.

It also is noted that the applicant has provided insufficient evidence to establish her qualifying continuous residence and continuous physical presence during the requisite time periods. The record includes a personal affidavit and copies of two airmail envelopes addressed to the applicant. The birth certificate indicates that it was given [REDACTED] Department of La Union, El Salvador, on March 5, 2001. The applicant did not explain how she obtained this document after her purported date of entry into the United States in 1999. Despite these deficiencies, it is noted that the request for additional evidence failed to specify that the applicant submit evidence to establish her qualifying continuous residence and continuous physical presence in the United States.

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 appeal is rejected.