

identifying information related to  
prevention of  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

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**MI**

FEB 17 2005



FILE:

Office: Texas 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*  
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 (AAO) on appeal. The appeal will be rejected.

The applicant is a native and citizen of Honduras 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 establish his eligibility for late initial registration. The director also determined that the applicant failed to submit a copy of his current driver's license, photo identification, and a photocopy of his birth certificate with English translation.

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 November 5, 2003, 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 December 8, 2003. The appeal was received at the Texas Service Center on December 10, 2003.

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

It is noted that the record contains a Federal Bureau of Investigations (FBI) fingerprint report, indicating that the applicant was placed in deportation proceedings on January 21, 1988, under record [REDACTED]

It is further noted for the record that the applicant submitted a copy of his birth certificate indicating that his father is a United States citizen. Without additional information, however, it is not possible to determine whether the applicant may be a United States citizen or whether his father may file for permanent resident status on his behalf. The applicant and/or his father may wish to inquire at his local CIS office regarding the application process to pursue these other possible avenues.

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.

identifying data used to  
prevent identity theft  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

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FEB 17 2005

FILE:

[REDACTED]  
[WAC 02 256 53705]

Office: CALIFORNIA SERVICE CENTER

Date:

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 for*

Robert P. Wiemann, Director  
Administrative Appeals Office