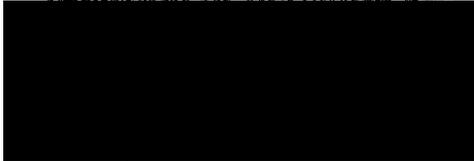


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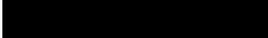


**U.S. Citizenship
and Immigration
Services**

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



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FILE: 
[SRC 03 045 57099]

Office: TEXAS SERVICE CENTER Date: **MIL 05 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 for
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, a minor child, is a native and citizen of Nicaragua 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 her eligibility for late initial registration.

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 May 1, 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 June 3, 2003. The appeal, however, was not properly received at the Texas Service Center until November 24, 2003.

It is noted that the evidence submitted on appeal would not have overcome the finding of the director. On appeal, the applicant submitted a copy of her mother's Employment Authorization Document (EAD), under Category C19, with validity from October 22, 2003 through January 5, 2005. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. Review of the applicant's mother's record, under [REDACTED], reveals that the applicant's mother did not file her initial TPS application until December 9, 2002. The record reflects that the applicant's mother's TPS application was denied on April 10, 2003, because she had not established her eligibility for late initial registration. In a decision dated March 3, 2004, the AAO director affirmed the service center director's decision. The applicant's mother filed a motion to reopen that was dismissed by the service center director because it was untimely filed, and because the evidence submitted did not overcome the original ground for denial. [On December 14, 2004, the applicant's mother filed a subsequent TPS application, marked as an application for re-registration or renewal of TPS.] The applicant has not submitted sufficient evidence to establish that she has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2).

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

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.