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U.S. Citizenship
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FILE: [REDACTED]
[SRC 02 186 52714]

Office: Texas Service Center

Date: MAY 04 2005

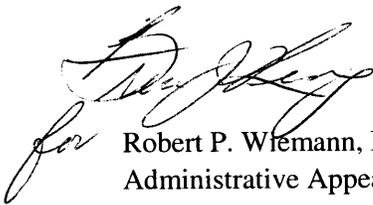
IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: 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.


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 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 after determining that the applicant had abandoned her application by failing to respond to a request for evidence.

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 director denied the application on July 29, 2002, after determining that the applicant had abandoned her application by failing to respond to a request for evidence. On September 17, 2002, the applicant filed an appeal on the director's decision to deny her application; however, that appeal was not filed within the requisite time frame. The director of the AAO, therefore, rejected the appeal on February 28, 2003. On July 21, 2003, the applicant filed a subsequent motion to reopen from the director's decision. The director denied this motion on October 4, 2003, and stated that there was no appeal for this decision.

On November 3, 2003, the applicant submitted another appeal now before the AAO. On appeal, the applicant reasserted her claim of eligibility for TPS and submitted evidence in an attempt to establish her eligibility for late registration. However, as the director's decision was based on abandonment, the AAO has no jurisdiction over this case. Further, the director stated in his October 4, 2003 decision that there was no appeal for the decision. Therefore, the appeal must be rejected.

It is noted that the applicant appears to be attempting to prolong the appeal process indefinitely and outside of any remedies remaining available to her.

ORDER: The appeal is rejected.