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

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FILE: [REDACTED]  
[EAC 01 251 53722]

Office: VERMONT SERVICE CENTER

Date: OCT 04 2005

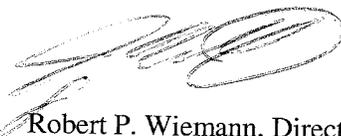
IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:

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, reopened, and denied again by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

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 initially denied the application on July 10, 2003, because the applicant failed to submit sufficient evidence continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001.

On August 3, 2003, the applicant attempted to file an appeal from the director's decision, but his appeal was rejected and returned to him. The applicant did not file the appeal with the correct fees until August 21, 2003, more than 33 days after the issuance of the Notice of Decision denying his TPS application. On appeal, the applicant reported a new address and submitted additional evidence in an attempt to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

On March 30, 2004, the director rejected the appeal as untimely filed, but accepted it as a motion to reopen. The director noted that the applicant, on appeal, submitted only one affidavit to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods. The director, therefore, affirmed his prior decision, finding that the applicant had not overcome the grounds for denial of the TPS application.

On appeal from the director's latest decision, the applicant does not make a statement or submit any additional evidence to overcome the grounds for denial of the application.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

**ORDER:** The appeal is dismissed.