



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: SEP 23 2005
[EAC 04 009 51604]

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

The applicant claims to be 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 determined that the applicant failed to respond to his notice of intent to deny dated January 22, 2004, requesting to submit evidence to: (1) establish that he qualifies for late initial registration; (2) show continuous residence in the United States since December 30, 1998; (3) show that he has been continuously physically present in the United States since January 5, 1999; and (4) show that he is a citizen or national of Honduras. The director, therefore, denied the application.

The applicant makes no statement on appeal. He checked the block: "I am submitting a separate brief and/or evidence." However, neither a brief nor evidence is attached to the appeal.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

Summary dismissal. 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.

The applicant has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Further, the applicant neither addressed nor submitted any of the evidence requested by the director. Accordingly, the appeal will be summarily dismissed.

It is noted that the record of proceeding contains the applicant's response to the director's request of January 22, 2004, for additional evidence. The response was received at the Vermont Service Center on February 14, 2004, prior to the director's decision to deny on March 31, 2004. The applicant submitted a hand-written note from [REDACTED] M.D., Southern Westchester Urology Group in New York, indicating that the applicant was treated on February 2, 1999, for a urological condition. Attached to the note are copies of the applicant's medical records dated February 9, 1999, as evidence of his treatment during this period. This evidence, however, is insufficient to overcome the director's findings listed as (1), (2), (3), and (4) above.

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 summarily dismissed.