



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
[WAC 05 099 77386]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: APR 06 2006

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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

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 record reveals that the applicant filed an initial TPS application on July 7, 2003, under Citizenship and Immigration Services (CIS) receipt number SRC 03 199 54184. The director denied that application based on abandonment on February 7, 2004, because the applicant had failed to respond to a request to submit: (1) evidence to establish that he was eligible for late initial registration; (2) evidence to establish that he had continuously resided in the United States since December 30, 1998, and had been continuously physically present since January 5, 1999; and (3) photo identification. The director also denied the applicant's motion to reopen on March 16, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 7, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

An appeal that is not filed within the time allowed must be rejected as improperly filed. In such a case, any filing fee the Service has 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 July 23, 2005, 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 August 25, 2005. The appeal was received at the California Service Center on August 29, 2005.

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

It is noted that the copy of the Honduran birth certificate, furnished by the applicant and contained in the record of proceeding, appears to have been altered. Additionally, the [REDACTED] Signature" on the copy of the Honduran passport also appears to have been altered.

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.