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FILE:

[REDACTED]
[WAC 05 090 82856]

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 28 2006**

IN RE:

Applicant:



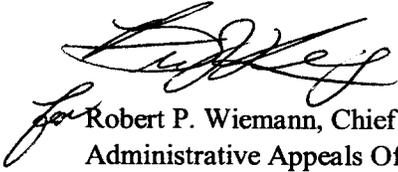
APPLICATION:

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 California Service Center. Any further inquiry must be made to that office.


for Robert P. Wiemann, Chief
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 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 record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, after the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 02 033 56404. The director denied that application on May 23, 2002, after determining that the applicant had failed to establish that she had continuously resided in the United States since December 30, 1998, and had been continuously physically present since January 5, 1999. The applicant filed a second Form I-821 on July 7, 2004 under CIS receipt number SRC 04 235 52894. The director noted that the applicant first entered the United States in April 1999, and again determined she had failed to establish that she met the continuous residence and continuous physical presence requirements for TPS.

The applicant did not appeal either of the director's decisions.

The applicant filed the current Form I-821, on December 29, 2004, and indicated that she 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. The applicant has appealed that determination.

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).

Any appeal must be properly filed within thirty days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). The director denied the application on July 23, 2005. 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 Texas Service Center on August 26, 2005.

An alien applying for TPS has the burden of proving that he or she meets the above requirements and is otherwise eligible under the provisions of section 244 of the Act.

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

ORDER: The appeal is rejected.