

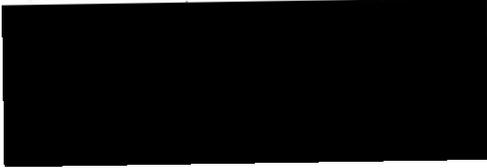


U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
[WAC 05 224 85239]

Office: CALIFORNIA SERVICE CENTER

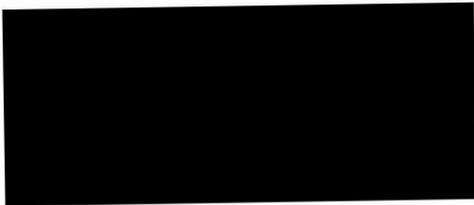
Date: DEC 01 2006

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:



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, 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 stated to be a 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 record reveals that the applicant filed his initial TPS application on December 10, 2002, under CIS receipt number SRC 03 051 53077. The record reflects that the Director, Texas Service Center, denied that application for TPS on July 8, 2003, because the applicant failed to establish his eligibility for TPS late registration.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, on June 12, 2005, and indicated that he was re-registering for TPS. On January 18, 2006, the director denied the instant re-registration application because the applicant's TPS 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 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 or her 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 January 18, 2006, 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 February 20, 2006. The director's decision was very clear in indicating that the appeal is to be sent to the California Service Center. The applicant, nevertheless, filed his appeal with the AAO. The appeal is not considered properly received until it is received by the Service Center that rendered the unfavorable decision. The appeal was received at the California Service Center on February 21, 2006.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

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

**ORDER:** The appeal is rejected.