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

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **JUL 21 2006**
[WAC 05 105 74968]

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant claims to be a 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 applicant filed this Form I-821 on January 13, 2005, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits. The director of the CSC denied the application because the applicant's prior TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS or renewal.

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).

The director's decision of denial, dated May 23, 2005, clearly advised the applicant that any appeal must be properly filed within thirty-three days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). In this case, the appeal should have been filed on or before June 27, 2005; however, it was not filed until July 21, 2005.

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

It is noted that, as a result of being fingerprinted in connection with this application, CIS received a report from the Federal Bureau of Investigation (FBI) indicating that the applicant, under the alias of [REDACTED] was arrested on February 20, 1997, in Jersey City, New Jersey, for Aggravated Assault. In any future proceedings before CIS, the applicant must submit evidence of the final court disposition of this, and any other, charge(s) against him.

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.