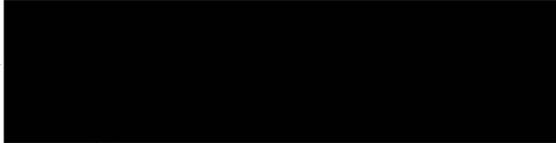




U.S. Citizenship
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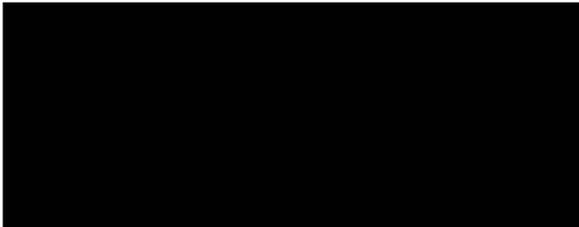
Office: California Service Center

Date: **JUL 28 2006**

[WAC 05 221 87963]

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 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 summarily dismissed.

The applicant is a native and 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 applicant filed the current Form I-821, Application for Temporary Protected Status, on May 9, 2005, and indicated that he was re-registering for TPS. On September 2, 2005, the director denied the application after determining that the applicant's prior Form I-821 was denied because the applicant failed to establish prima facie eligibility for TPS. The applicant's initial TPS application, filed March 30, 2001, was deemed abandoned on April 27, 2004. There is no appeal of the denial of an application denied due to abandonment; however, the applicant could have filed a motion to reopen within 30 days of the denial decision. The record does not reflect that the applicant filed a motion within the 30-day period.

On appeal, the applicant requested a 90-day extension to submit a brief and/or evidence. The applicant stated he was waiting on a Freedom of Information Act (FOIA) request, which was processed by the director on October 15, 2005. However, the applicant failed to provide a brief or evidence.

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. 8 C.F.R. § 103.3(a)(1)(v).

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

Additionally, it is noted that an Immigration Judge ordered the applicant deported to El Salvador on April 27, 1998; and a Warrant of Deportation was issued on May 6, 1998.

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 dismissed.