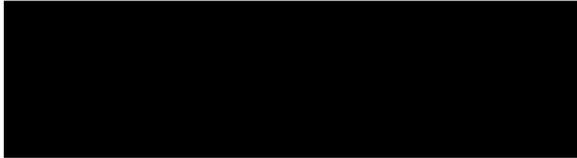


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U.S. Citizenship
and Immigration
Services

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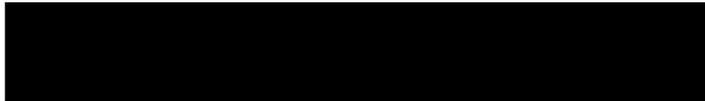
[WAC 05 049 71272]

Office: CALIFORNIA SERVICE CENTER

Date: **MAY 08 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 office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

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 (AAO) on appeal. The appeal will be rejected.

The applicant is a citizen of Honduras who is seeking TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the applicant's application for re-registration, under section 244 of the Act, on June 27, 2005, because the applicant's initial TPS application had been denied.

The applicant filed an appeal directly with the AAO on August 8, 2005. The AAO, in a letter dated August 8, 2005, advised the applicant that the AAO does not accept or process applications. The AAO instructed the applicant that the appeal was to be filed with the California Service Center located at [REDACTED] Laguna Niguel, California 92677. It is noted that the director, in his denial decision dated June 27, 2005, advised the applicant that an appeal must be filed within 30 calendar days (33 days if the appeal is mailed), and that the applicant's appeal must be submitted to the California Service Center. The director's decision also advised the applicant "NOT" to "send the appeal directly to the AAO."

On August 24, 2005, the applicant filed the appeal with the California Service Center.

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 June 27, 2005, clearly advised the applicant that any appeal must be properly filed with the appropriate office 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 July 30, 2005. The appeal was received at the California Service Center on August 24, 2005.

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

ORDER: The appeal is rejected.