



U.S. Citizenship  
and Immigration  
Services

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**PHOTOCOPY**

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FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: **SEP 01 2006**

[WAC 05 140 71979]

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.

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 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 record reveals that the applicant filed her initial TPS application on May 30, 2001, under CIS receipt number SRC 01 231 64050. On October 26, 2001, the Director, Texas Service Center (TSC), requested the applicant to submit copies of the biographical pages of her El Salvadoran passport or her national identification document (Cedula). The TSC director determined that the record did not contain a response from the applicant; therefore, the TSC director denied the application on March 12, 2002, due to abandonment. The applicant filed an appeal which was rejected by the AAO director on February 10, 2005, since there is no appeal available to the applicant.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, on February 17, 2005. The director denied the instant application because the applicant's initial TPS application 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 August 16, 2005, 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 September 19, 2005. The appeal was properly received at the California Service Center on September 21, 2005.

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.