



U.S. Citizenship
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FILE: [REDACTED]
[SRC 01 183 56590]

Office: CALIFORNIA SERVICE CENTER

Date: APR 27 2007

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 California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant filed a Form I-821, Application for Temporary Protected Status, on February 16, 2005, and indicated that he was re-registering for Temporary Protected Status (TPS). After review, his TPS was withdrawn by the Director, California Service Center, and his re-registration application was denied. The case is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant claims to be a native and citizen of El Salvador who was granted TPS on June 14, 2004. The director subsequently withdrew the applicant's status on August 7, 2006, because he had abandoned his application by failing to respond to a Notice of Intent to Withdraw requesting that he submit the court disposition for his arrest on August 15, 2004. On that date he was charged with the possession of one gram or less of a controlled substance by the Houston Police Department in Texas.

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).

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 should have been filed on or before September 11, 2006. The appeal was received at the California Service Center on September 13, 2006.

An alien applying for TPS has the burden of proving that he or she is eligible under the provisions of section 244 of the Act.

It is noted the applicant has provided insufficient evidence to establish that he is a national or citizen of El Salvador. The record does not contain any photo identification such as a passport or national identity document to establish his nationality. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

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

ORDER: The appeal is rejected.