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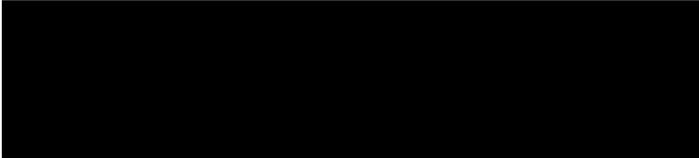
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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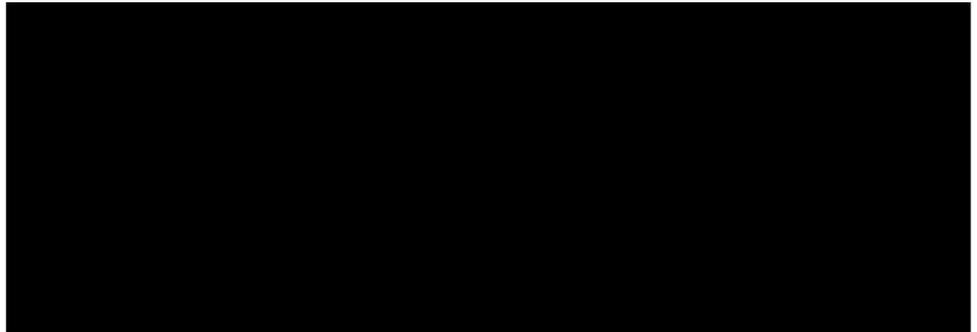


FILE: [REDACTED]
[SRC 03 222 54432]

Office: TEXAS SERVICE CENTER

Date: **AUG 01 2007**

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

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas 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 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 an initial Form I-821, Application for Temporary Protected Status, under receipt number SRC 02 146 54142 after the initial registration period had closed. The director denied that application on September 10, 2002, after determining that the applicant had abandoned his application by failing to respond to a Notice of Intent to Deny. After a review of the record, the Chief, AAO, concurs with the director's initial denial decision.

The applicant filed a subsequent Form I-821 under receipt number SRC 03 222 54432 on August 11, 2003, and indicated that he was filing a new "first application" to register for TPS.

The director denied this subsequent application on December 1, 2003, because the applicant failed to establish his eligibility for late initial registration.

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 January 5, 2004. The appeal was received at the Texas Service Center on January 6, 2004.

It is noted that, in removal proceedings held on October 5, 1995, an Immigration Judge in Harlingen, Texas, ordered the applicant deported "in absentia" to Honduras. It is further noted that the record contains an outstanding Form I-205, Warrant of Deportation, issued by the District Director of the New Orleans, Louisiana, office of Citizenship and Immigration Services, (formerly, the Immigration and Naturalization Service) on October 17, 1995.

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

ORDER: The appeal is rejected.