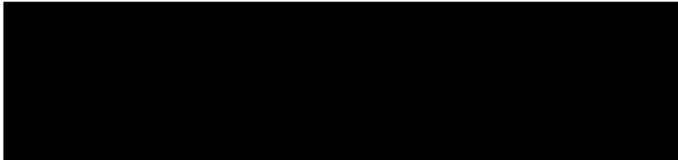


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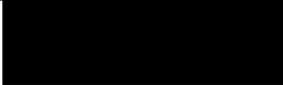
U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: California Service Center

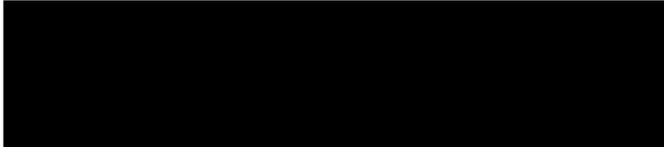
DATE:

AUG 27 2007
AUG 28 2007

Consolidated herein]
[WAC 02 041 56495]
[WAC 05 218 73570]

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 applications were denied by the Director, California Service Center. They are now on appeal before the Administrative Appeals Office (AAO). The appeal will be rejected.

The applicant claims to be a 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 an initial Form I-821, Application for Temporary Protected Status [WAC 02 041 56495], on April 26, 2001. The applicant filed the current application to re-register for TPS [WAC 05 218 73570] on March 7, 2005. Both applications were denied by the director on July 8, 2006, on the ground that the applicant was convicted on June 28, 1999, of a felony committed in the State of California, making him ineligible for TPS under section 244(c)(2)(B) of the Act.

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. *See* 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. *See* 8 C.F.R. § 103.5a(b). If the last day of the period for taking an action falls on a weekend or a holiday, the deadline is extended until the next working day. *See* 8 C.F.R. § 1.1(h).

The director's Notice of Decision is dated July 8, 2006, and Citizenship and Immigrations Services (CIS) records indicate that it was sent to the applicant on that date. As provided in 8 C.F.R. § 103.3(a)(2)(i), an appeal must be filed within thirty days after service of the decision. Together with the three days for mailing, the appeal in this case should have been filed on or Thursday, August 10, 2006. As the receipt stamps on the Form I-290B and the certified mail envelope indicate, however, the applicant's appeal was received at the California Service Center on Tuesday, August 15, 2006.

An alien applying for TPS has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act.

Based upon the applicant's failure to file a timely appeal, the appeal will be rejected.¹

ORDER: The appeal is rejected.

¹ Even if the appeal had been timely filed, the applicant did not submit any additional evidence to overcome the ground for denial discussed in the director's decision. While asserting that his felony conviction should be reduced to a misdemeanor, the applicant did not explain the basis of that claim or submit any supporting documentation.