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U.S. Citizenship
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DEC 06 2007

FILE:

OFFICE: VERMONT SERVICE CENTER

DATE:

[EAC 03 080 53025]

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:

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center. The application is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

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 director denied the application after determining that the applicant had abandoned his application by failing to respond to a request for evidence. However, the applicant had responded to the request for evidence under CIS receipt number EAC 02 276 52760.

If all requested evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen. 8 C.F.R. § 103.2(b)(15).

The record reveals that the applicant filed this application on November 12, 2002. On May 20, 2003, the applicant was requested to submit two color photos and submit requested court documentation relating to his criminal record. The record indicates that another TPS application, submitted on August 30, 2002, was in process under CIS receipt number EAC 02 276 52760 and the applicant submitted court documents with that application. The applicant's appeal of the denial of that application is being addressed in a separate decision. Consequently, this appeal is moot.

ORDER: The appeal is dismissed.