

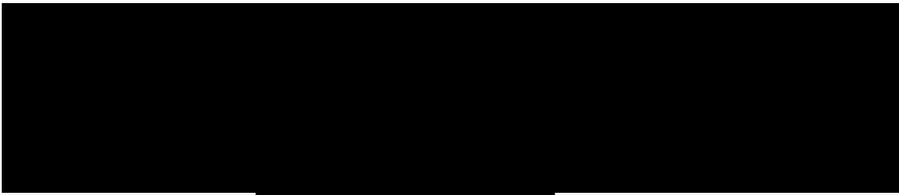


U.S. Citizenship
and Immigration
Services

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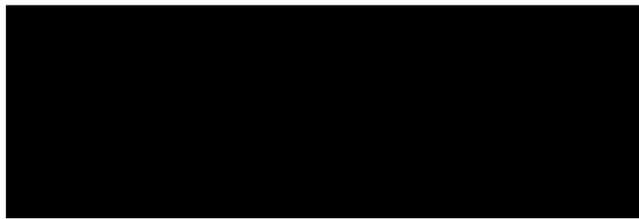
Office: California Service Center

Date: FEB 20 2007

[WAC 06 172 52025]
[SRC 99 143 50042]

IN RE:

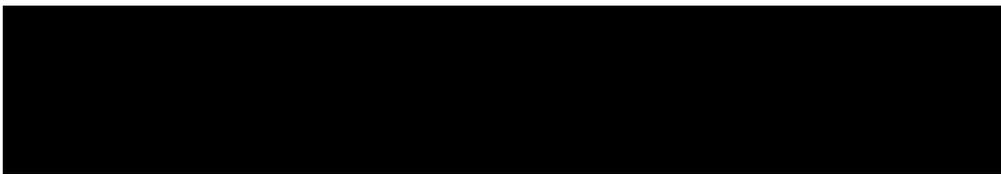
Applicant:



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.

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 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 record reveals that the applicant filed an initial TPS application on March 8, 1999, under CIS receipt number SRC 99 143 50042. The Texas Service Center director approved that application on April 1, 2000. Subsequently, the California Service Center director withdrew TPS, and denied the application for TPS re-registration filed on December 30, 2004. The director noted that the applicant failed to submit final court dispositions, for three arrests for Driving While Intoxicated, as requested by the director in an August 24, 2005, Notice of Intent to Withdraw.

An appeal that is not filed within the time allowed must be rejected as improperly filed. In such a case, any filing fee the Service has 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).

The director's decision of denial is dated April 5, 2006, and was re-mailed to the last known address. 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 May 8, 2006. The appeal was properly received at the Texas Service Center on May 9, 2006.

It is noted that the record reveals that the applicant was deported to Honduras on March 10, 1992, at Brownsville, Texas.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.

ORDER: The appeal is rejected.