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U.S. Citizenship
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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: **JAN 03 2007**
[SRC 01 200 54496]

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: 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.

A handwritten signature in black ink, appearing to read "R. 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 on appeal. The appeal will be rejected.

The applicant is 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 the application with Citizenship and Immigration Services (CIS) during the initial registration period. The applicant's Federal Bureau of Investigation (FBI) fingerprint results report revealed the following offenses:

1. The applicant was arrested in Fairfax County, Virginia, on March 29, 1994, and charged with "possession of stolen property."
2. The applicant was arrested in Houston, Texas, and charged with one count of "fail to identify fugitive from justice" and one count of "driving while license suspended." The fingerprint results report indicates that the applicant was convicted on both charges.

On May 31, 2002, and again on October 7, 2002, the applicant was requested to provide the final court disposition of these offenses. The applicant, in response, provided additional evidence relating to his residence and physical presence in the United States, but he failed to provide the final court disposition of the offenses detailed above.

The director denied the application on December 18, 2002, because she found that the applicant had failed to submit requested court documentation relating to his criminal record.

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).

The director's decision of denial, dated December 18, 2002, clearly advised the applicant that 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 January 20, 2003. The applicant did not file the appeal with the California Service Center until January 25, 2006.

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

It is noted that the applicant's 2006 FBI fingerprint results report revealed the following additional arrest:

3. The applicant was arrested in South Houston, Texas, on February 18, 2002, and charged with driving while intoxicated, second offense.

This offense must be addressed in any further proceeding before CIS. Furthermore, the applicant, to date, has not provided the final court disposition of the offenses detailed in Nos. 1 and 2 above. The applicant is ineligible for Temporary Protected Status because of his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a).

ORDER: The appeal is rejected.