



U.S. Citizenship
and Immigration
Services

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FILE:

[WAC 05 148 84013]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: MAR 26 2007

IN RE:

Applicant:

APPLICATION:

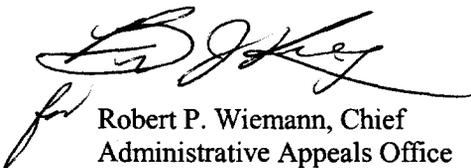
Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

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 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, 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 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 on July 20, 2006, after determining that the applicant had failed to establish that he was eligible for late initial registration as set forth in 8 C.F.R. § 244.2(f)(2). The director noted that the applicant's marriage certificate, furnished as evidence of his eligibility for late registration based on his marriage to a TPS registrant, shows that the marriage took place on July 16, 2005, after the initial registration period for El Salvadorans [from March 9, 2001, through September 9, 2002]. The director further determined that the applicant's date of entry into the United States was November 24, 2001; therefore, he had failed to establish that he had continuously resided in the United States since February 13, 2001, and had been continuously physically present since March 9, 2001.

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 July 20, 2006, 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 August 22, 2006. The appeal was received at the California Service Center on August 24, 2006.

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

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The appeal is rejected.