



U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: MAY 11 2007

[WAC 05 096 87128 as it relates to SRC 99 176 52778]

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 California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office on appeal.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 was granted TPS on April 7, 2000. The CSC Director subsequently withdrew the applicant's status on June 12, 2006, when it was determined that the applicant had been convicted of the crimes of prostitution, obstructing a highway, disorderly intoxication and petit theft by Judges in the 11th Judicial Circuit Court of Miami-Dade County, Florida.

On appeal, the applicant states:

According to your rules the application for my TPS is denied, if I have more than two (2) felony. But as you can state in my police record I only Three local Misdemeanor and one Local Traffic Arrest, Base in this official Statement I think that I can have my TPS renewed including my work authorization.

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).

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 should have been filed on or before July 17, 2006. The appeal was received at the California Service Center on July 24, 2006.

An alien applying for TPS has the burden of proving that he or she is 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.

It is noted that, in removal proceedings held on June 5, 1997, an Immigration Judge in Harlingen, Texas, ordered the applicant deported "in absentia" to Honduras. It is further noted that the record contains an outstanding Form I-205, Warrant of Removal/Deportation, issued by the District Director of the Harlingen, Texas, office of Citizenship and Immigration Services, (formerly, the Immigration and Naturalization Service) on June 5, 1997.

ORDER: The appeal is rejected.