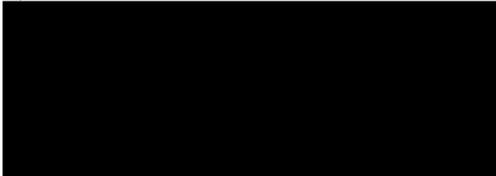




U.S. Citizenship
and Immigration
Services

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invasion of personal privacy



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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: SEP 04 2007
[WAC 05 104 73016]

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 "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center. A subsequent appeal was rejected by the Director. The matter is now before the , Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant claims to be 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 director denied the application on August 15, 2006, because the applicant failed to submit sufficient evidence to establish his eligibility for late registration, his continuous residence and continuous physical presence in the United States, or his nationality and identity. The applicant filed an appeal on September 20, 2006.

This appeal from the director's decision was rejected on October 12, 2006, after the Director of the California Service Center concluded that the applicant had failed to file his appeal in a timely manner.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

The applicant's appeal consists of documentation relating to his claim of residence since December 30, 1998, and physical presence since January 5, 1999, in the United States. However, the basis for the rejection of the previous appeal was not a failure to establish qualifying residence and physical presence. Rather, the basis for this decision was the applicant's failure to file his appeal within the allotted appeal period. The current appeal does not address the untimeliness of the applicant's previous appeal. As such, the issue on which the underlying decision was based has not been addressed or overcome on appeal.

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

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 summarily dismissed.