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U.S. Citizenship
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FILE:

[EAC 06 355 71724]

OFFICE: VERMONT SERVICE CENTER

DATE:

SEP 24 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, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

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 determined that the applicant had failed to submit: (1) evidence to establish that she was eligible for late initial registration; (2) sufficient evidence to establish continuous residence in the United States since February 13, 2001, and continuous physical presence from March 9, 2001, to the date of filing the application; and (3) the final court disposition of all of her arrests including an arrest listed on the Federal Bureau of Investigation (FBI) fingerprint results report.¹ The director, therefore, denied the application on January 26, 2007.

The applicant appealed the director's decision in the Spanish language, without English translation. While the applicant indicated that she is submitting a separate brief and/or evidence with the appeal form, no additional evidence was received with the appeal.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

Summary dismissal. 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.

The applicant has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Nor did the applicant submit any evidence, on appeal, to establish eligibility for TPS and to overcome the director's findings. Accordingly, the appeal will 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.

¹ The FBI report indicates that on January 6, 2005, in Los Angeles, California, the applicant was arrested for "failure to appear, written promise."