

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

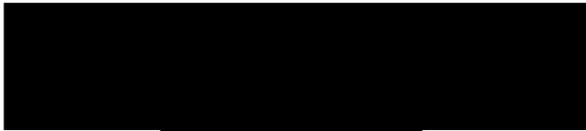
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

M1



FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: FEB 12 2008
[EAC 06 347 76998]

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, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant claims to be 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 director denied the application because the applicant failed to establish he was eligible for late registration. The director also found that the applicant had failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

The applicant appears to be represented; however, the record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative. It is further noted that the State Bar of Texas has suspended the attorney from practice in the state.¹ Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

An appeal that is not filed within the time allowed must be rejected as improperly filed. In such a case, any filing fee accepted by Citizenship and Immigration Services 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 is dated February 6, 2007. 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 March 11, 2007.

The applicant submitted the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, without a signature. The regulation at 8 C.F.R. § 103.2(a)(1) provides, in part, that "[e]very application, petition, appeal, motion, request . . . shall be executed and filed in accordance with the instructions on the form, such instructions . . . being hereby incorporated into the particular section of the regulations in this chapter requiring its submission." The instructions at item six on the Form I-290B specifically require a signature on this form when the decision is appealed. The Form I-290B was therefore returned to the applicant for signature. The signed Form I-290B was received by CIS on April 11, 2007, 64 days after the director issued his decision.

An alien applying for TPS has the burden of proving that he or she meets the requirements enumerated above and is otherwise 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.

¹ See www.texas.bar.com assessed on January 9, 2008.



Page 3

ORDER: The appeal is rejected.