

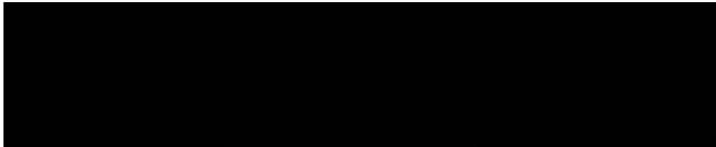


U.S. Citizenship  
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Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: MAY 01 2008  
[EAC 08 05150969, *appealj*  
[EAC 07 198 70246]

INRE: 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:  
[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Vermont Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vennont Service Center, and is now before the Administrative Appeals Office (AAO), on appeal. The appeal will be rejected.

The applicant is a native and citizen of EI Salvador who is seeking Temporary Protected Status under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The applicant filed an initial Form 1-821, Application for Temporary Protected Status, under receipt number EAC 01 14953485 during the initial registration period. The director denied that application on December 16, 2002, after determining that the applicant had abandoned her application by **failing** to appear for fingerprinting. The applicant filed a motion to reopen that was denied by the director on July 7, 2003. She filed a subsequent 1-821 on February 23, 2004. The director denied that application on July 22, 2004 because the applicant had **failed** to establish she was eligible for late initial registration and because she had not met the continuous residence and continuous physical presence requirements for TPS. A subsequent appeal was dismissed by the Director (now Chief) of the AAO on November 30, 2005.

The applicant filed the current Form 1-821 on April 16, 2007.

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 November 6, 2007, clearly advised the applicant that her appeal must be filed by December 9, 2007, as any appeal must be properly filed within thirty days after service of the decision, coupled with three days for mailing. 8 C.F.R. § 103.3(a)(2)(i). The appeal was not properly received at the Vennont Service Center until December 11, 2007.

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

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.