M1

U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FEB 26 2004

FILE: [redacted] Office: TEXAS SERVICE CENTER Date:

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

PUBLIC COPY

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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.

Cindy N. Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas 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 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 after determining that the applicant had failed to respond to a request to submit evidence to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999.

On appeal, the applicant claims that he has lived in the United States since 1998. He asserts that he has submitted all of the requested documentation. The applicant states that he would like to have the opportunity to obtain better employment and remain in the United States to enjoy greater opportunity and to pay his taxes.

On February 19, 2003, the applicant was provided the opportunity to submit evidence to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. The record does not reflect that the applicant responded to the notice.

8 C.F.R. § 103.2(b)(13) provides that if all requested initial evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under 8 C.F.R. § 103.5.

In the instant case, the decision to deny the application was not appealable to the AAO, as it was based upon the petitioner's abandonment of the application. Therefore, the AAO does not have jurisdiction to consider the appeal that was filed as a result of the director's denial of the application.

The director denied the application pursuant to 8 C.F.R. § 244.7. An appeal was subsequently filed by the applicant. However, there is no appeal of the director's decision in the present case. The appeal must, therefore, be rejected. If the applicant has additional evidence for the record, such documentation should be forwarded on a motion to reopen to the office having jurisdiction over the present application (the office that rendered the initial decision).

ORDER: The appeal is rejected.