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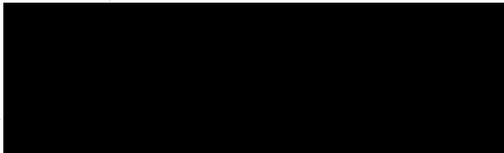
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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

MI



FILE:

[SRC 03 214 55036]

Office: TEXAS SERVICE CENTER

Date: APR 19 2005

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 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 that he is eligible for late initial registration.

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 December 24, 2003, clearly advised the applicant that 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 should have been filed on or before January 26, 2004. The appeal, however, was not properly received at the Texas Service Center until January 29, 2004.

It is noted that the evidence submitted on appeal would not have overcome the finding of the director. On appeal, the applicant states that he did apply for TPS in February 2001, but never received anything from the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS). He states that the person who prepared his paperwork told him that his case was "pending." During the 2002 re-registration period, the applicant states that he returned to the same preparer who took his application fees and an additional fee for service. In 2003, the applicant said he went to a different office to file his paperwork, received a fingerprint notification, and then was shocked to receive the director's decision. He asks that his case be reconsidered because he tried to apply in 2001 and was "not lucky enough to fall in the right hands." The applicant does not submit any additional evidence in support of the appeal. The reasons given by the applicant do not fall within the allowable provisions for late registration. The applicant has not submitted any evidence that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2).

It is also noted that the applicant submitted insufficient evidence to establish his continuous residence and continuous physical presence in the United States during the requisite periods. The rent receipts and the Gigante Express receipt are under the name of a different person, and cannot be directly linked to the applicant. The employer letter does not conform to regulatory requirements and, therefore, has little evidentiary value.

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



Page 3

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 rejected.