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U.S. Citizenship
and Immigration
Services

MI

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: APR 06 2006

[WAC 05 106 72965]

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:

[REDACTED]

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. Wienmann, Director
Administrative Appeals Office

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

The applicant is a citizen of Honduras who is seeking TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the applicant's application for re-registration, under section 244 of the Act, on July 12, 2005, because the applicant's initial TPS application had been denied.

Counsel, on behalf of the applicant, filed an appeal directly with the AAO on August 16, 2005. The AAO, in a letter dated August 16, 2005, advised counsel that the AAO does not accept or process applications. The AAO instructed counsel that the appeal was to be filed with the California Service Center located at [REDACTED]

[REDACTED] It is noted that the director, in his denial decision dated July 12, 2005, advised the applicant that an appeal must be filed within 30 calendar days (33 days if the appeal is mailed), and that the applicant's appeal must be submitted to the California Service Center. The director's decision also advised the applicant "NOT" to "send the appeal directly to the AAO."

On August 19, 2005, counsel filed the appeal with the California Service Center.

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 July 12, 2005, clearly advised the applicant that any appeal must be properly filed with the appropriate office 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 August 15, 2005. The appeal was received at the California Service Center on August 19, 2005.

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

ORDER: The appeal is rejected.