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**U.S. Citizenship
and Immigration
Services**

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[REDACTED]

FILE: [REDACTED]
[WAC 05 216 80415]

OFFICE: California Service Center DATE: **MAR 29 2007**

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.


Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant is 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 that he met the requirements for late registration, as well as the other eligibility requirements for TPS.

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. *See* 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. *See* 8 C.F.R. § 103.5a(b).

The director's decision of denial is dated May 8, 2006. Any appeal must be properly filed within thirty days after service of the decision. *See* 8 C.F.R. § 103.3(a)(2)(i). Coupled with three days for mailing, the 33-day appeal period ran until Saturday, June 10, 2006. If the last day of the appeal period falls on a weekend or a holiday, the deadline is extended until the next working day. *See* 8 C.F.R. § 103.3(a)(2)(i). The appeal in this case, therefore, should have been filed on or before Monday, June 12, 2006. The applicant's appeal, however, was received at the California Service Center on July 11, 2006. Thus, it was not timely filed.

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.

ORDER: The appeal is rejected.