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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

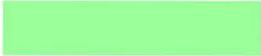


U.S. Citizenship
and Immigration
Services



DATE: **OCT 23 2013** Office: CALIFORNIA SERVICE CENTER

FILE: 

IN RE: Applicant: 

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center. A subsequent appeal was rejected as untimely filed by the Administrative Appeals Office (AAO). The applicant submitted a Notice of Appeal or Motion (Form I-290B), indicating at Part 2 that he was appealing the denial of the Form I-821 under the receipt number [REDACTED]. A motion to reopen, rather than an appeal, is the proper forum in this case, pursuant to 8 C.F.R. § 103.5(a)(1)(i). The motion is denied.

However, in the instant case, as the appeal was rejected by the AAO, there is no decision on the part of the AAO that may be reopened in this proceeding. According to 8 C.F.R. § 103.5(a)(1)(ii), jurisdiction over a motion resides in the official who made the latest decision in the proceeding. Because the disputed decision was rendered by the director, the AAO has no jurisdiction over this motion. Therefore the previous decision of the AAO will not be disturbed.

Finally, the record reflects that the applicant filed a subsequent TPS application under receipt number [REDACTED]. Assuming, arguendo, the applicant was appealing the decision from the denial of the current TPS application, the AAO would reject the appeal as untimely filed (56 days after the issuance of the director's decision of May 23, 2013).

ORDER: The motion is denied.