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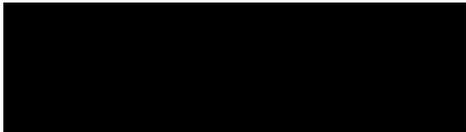
U.S. Department of Homeland Security
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**U.S. Citizenship
and Immigration
Services**

MI



FILE: [REDACTED]
[SRC 02 228 54028]

Office: TEXAS SERVICE CENTER Date: **APR 19 2005**

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.

A handwritten signature in cursive script, 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 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 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 February 4, 2003, failed to advise the applicant of his right to appeal and the required timeframe for an appeal. Pursuant to the regulations at 8 C.F.R. § 103.3(a)(2)(i), any appeal must be properly filed within thirty days after service of the decision. Coupled with three days for mailing, the appeal should have been filed on or before March 10, 2003. The appeal, however, was not properly received at the Texas Service Center until March 18, 2003.

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 does not fall into one of the categories for late registration. He states that he did not file on time because he was working in the fields to support his family. He states that because there is no contact person there who knows about the immigration laws, he found out too late to apply. He states that he has been a good citizen and asks that his case be granted. In support of the appeal, the applicant resubmits evidence that had previously been entered into the record. 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 applicant has not submitted any evidence for the years 2000 through the filing date in 2002.

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

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.