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U.S. Citizenship
and Immigration
Services

MI

[Redacted]

FILE: [Redacted]
[SRC 02 224 55506]

Office: TEXAS SERVICE CENTER Date: **DEC 05 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:

[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.

Cindy M. Gomez
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 on appeal. The appeal will be summarily dismissed.

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 after determining that the applicant had failed to establish her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001. The director noted that the Form I-821, Application for Temporary Protected Status, indicated the applicant's date of entry into the United States as "April 13, 2001."

On appeal, the applicant submits a Form I-290-B, Notice of Appeal, which does not indicate any reason for the appeal. The applicant does not submit a statement or any additional evidence with the appeal. Although the applicant checked a box indicating that a separate brief and/or evidence was being submitted with the form, no additional documentation was submitted.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

It is noted that the record contains a Warrant of Removal/Deportation issued at Dallas, Texas, on April 3, 2002, following the final order of the Immigration Judge, Dallas, Texas. On September 17, 2001, the Immigration Judge had granted the applicant voluntary departure to be effected on or before December 14, 2001. The order noted that failure to depart by that date would result in withdrawal of voluntary departure, and removal to El Salvador without further proceedings. The record reflects that the applicant had been placed in removal proceedings on April 15, 2001, after she was apprehended by immigration officers while attempting entry into the United States at or near Eagle Pass, Texas, on or about April 15, 2001. On October 23, 2001, prior counsel requested deferred action of the applicant's voluntary departure date, which was denied by the District Director, Dallas, Texas, on December 7, 2001.

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 dismissed.