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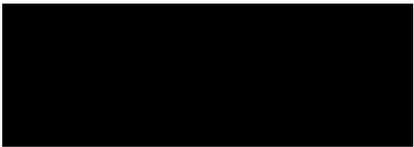
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



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

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FILE: [REDACTED]
[SRC 02 203 54562]

Office: TEXAS SERVICE CENTER

Date: **JAN 24 2005**

IN RE: Applicant: [REDACTED]
a.k.a. [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.

Cindy N. Gomez for

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 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 her continuous residence in the United States since February 13, 2001.

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 her 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 January 27, 2004, clearly advised the applicant that any appeal must be properly filed 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 March 1, 2004. The appeal was received at the Texas Service Center on March 4, 2004.

It is noted that the applicant's statement submitted on appeal would not have overcome the finding of the director. The applicant states that she is a widow and is the sole support of her children in El Salvador. The applicant does not submit any additional evidence on appeal. The applicant indicated on her documents that she entered the United States in September 2001. In response to the request for evidence of her continuous residence in the United States since February 13, 2001, the applicant had asked that her application be considered "even though I know there is a small difference of a few months." The phrase continuously resided, as defined in 8 C.F.R. § 244.1, means residing in the United States for the entire period specified in the regulations. Because the applicant did not enter the United States until September 2001, she cannot establish her continuous residence in the United States for the dates specified. She has, therefore, failed to establish that she has met the criteria described in 8 C.F.R. § 244.2(c).

In light of the evidence of record and the applicant's date of entry into the United States, it also is noted that she has not established her continuous physical presence in the United States since March 9, 2001.

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.