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

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FILE:  OFFICE: CALIFORNIA SERVICE CENTER DATE: **JUL 01 2005**

IN RE: Applicant: 

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, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and 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 had failed to submit requested court documentation relating to his criminal record.

The Federal Bureau of Investigation (FBI) fingerprint results report reveals the following offenses:

- (1) On April 21, 2003, in Pomona, California, the applicant was arrested for Count 1, driving under the influence of alcohol/drugs; Count 2, driving without a license; and Count 3, hit and run driving with property damage. The final court dispositions for these offenses are not known.
- (2) On October 12, 2003, in Pomona, California, the applicant was arrested for Count 1, possession of a controlled substance; Count 2, driving under the influence of alcohol/drugs; Count 3, driving with .08 percent blood alcohol level or more; and Count 4, driving without a license. The final court dispositions for these offenses are not known.

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 is dated May 18, 2004. 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 June 21, 2004. The appeal was received at the California Service Center on June 22, 2004.

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.