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U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted] Office: Texas Service Center Date: MAR 15 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.

*Cindy M. Gomez for*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center. The applicant filed a motion, and the director found that the applicant had not overcome the reasons for denial. The matter 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 after determining that the applicant had abandoned his application by failing to respond to a request for evidence.

If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen. 8 C.F.R. § 103.2(b)(15).

The record reveals that the applicant filed his application on August 8, 2001. On November 10, 2001, and again on January 23, 2003, the applicant was requested to submit additional evidence establishing his qualifying residence in the United States. The applicant was also requested to furnish evidence of his nationality and photo identity. The record does not contain a response from the applicant; therefore, the director concluded that the applicant had abandoned his application and issued a Notice of Denial on March 18, 2003. The director advised the applicant that, while the decision could not be appealed, the applicant could file a motion to reopen within 30 days. The applicant filed a motion to reopen on April 15, 2003. The director denied the motion on May 19, 2003, concluding that the applicant had not demonstrated his continuous physical presence in the United States since March 9, 2001.

The director gave appeal rights on this motion; however, as the initial denial was based on abandonment; the AAO has no jurisdiction over any subsequent motion filed. It is noted that the applicant has not overcome the director's findings.

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. The applicant has failed to meet this burden.

**ORDER:** The appeal is rejected.