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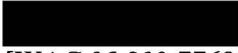
**U.S. Citizenship  
and Immigration  
Services**

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**JAN 03 2007**

FILE:  Office: CALIFORNIA SERVICE CENTER Date:  
[WAC 05 203 77607]

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:



**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, Chief  
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 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 applicant filed his initial TPS application with Citizenship and Immigration Services (CIS) on September 22, 2003, under receipt number WAC 04 002 53659. The director denied that application on May 17, 2004, because the applicant failed to establish his eligibility for late initial registration. The applicant did not file an appeal from the denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 21, 2005, and indicated that he was applying for late initial registration.

The director denied the application on September 22, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration or renewal of his temporary treatment benefits. It is noted that the director failed to consider the current application as an application for late initial registration; however, the applicant, on appeal, has not submitted any evidence to establish his eligibility for late initial registration. Therefore, the director's decision will not be disturbed.

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 September 22, 2005, 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 October 25, 2005. The applicant did not file the appeal with the California Service Center until November 2, 2005.

It is noted that the applicant's fingerprint results report revealed that the applicant was arrested in Los Angeles, California, on April 1, 2000, and charged with one count of theft. This offense must be addressed in any further proceeding before CIS.

It is further noted that the record contains an outstanding warrant of removal issued by the District Director, Los Angeles, California, on October 14, 1998.

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

**ORDER:** The appeal is rejected.