

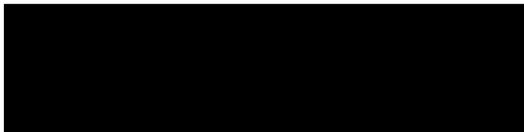
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**U.S. Citizenship  
and Immigration  
Services**

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FILE: [REDACTED]  
[WAC 05 221 84761]

Office: CALIFORNIA SERVICE CENTER

Date: JUL 23 2007

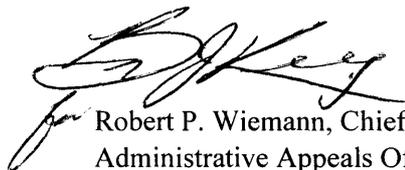
IN RE: Applicant: [REDACTED]

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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals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 record reveals that the applicant filed a TPS application during the initial registration period on August 27, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 259 54944. The Director, Texas Service Center, approved that application on April 13, 2002.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 9, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On March 18, 2001, the applicant was arrested by the Marietta, Georgia Police Department for (1) "Criminal Damage to Property-2<sup>nd</sup> Degree/Fel."
- (2) On September 17, 2005, the applicant was arrested by the Marietta, Georgia Police Department for (1) three counts of "Cruelty to Children – Fel/1<sup>st</sup> degree/Misd \_ 2<sup>nd</sup> (2) "Battery - Misd", and, (3) "Aggravated Assault/Fel."

The director withdrew temporary protected status because the applicant had failed to submit requested court documentation relating to his criminal record.

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 7, 2006, 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 10, 2006. The appeal, however, was not received at the California Service Center until October 13, 2006.

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.

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**ORDER:** The appeal is rejected.