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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

PUBLIC COPY

[redacted]

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

FILE: [redacted] SRC 02 133 54659 Office: Texas Service Center Date: FEB 27 2003

IN RE: Applicant: [redacted]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office which originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

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 on appeal. The appeal will be rejected.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254a.

The director determined that the applicant failed to submit additional evidence, as had been requested, to establish eligibility for filing after the initial registration period. The director, therefore, denied the application due to abandonment pursuant to 8 C.F.R. § 244.9(c).

On appeal, the applicant states he wanted to file an application during the initial registration period, but he was experiencing financial difficulties at the time and gave priority to other necessities such as rent and food. The applicant submits additional evidence of his residence in the United States.

The record reflects that the applicant filed the TPS application on March 25, 2002. In a notice of intent to deny the application, the applicant was granted 30 days in which to submit: (1) evidence that he has continuously resided in the United States since December 30, 1998; (2) evidence that he has been continuously physically present in the United States since January 5, 1999; and (3) evidence to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. Because the applicant failed to comply, the director denied the application due to abandonment.

On appeal, the applicant furnished copies of medical records dated May 2, 1999 and May 9, 1999, and copies of two checks payable to the applicant, issued on April 18, 1999 and July 24, 1999, as evidence of his residence in the United States. No other evidence, as requested by the director, was furnished to establish eligibility.

8 C.F.R. § 103.2(b)(13) provides that if all requested initial 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)(15) provides that a denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under 8 C.F.R. § 103.5.

The director denied the application due to abandonment, pursuant to 8 C.F.R. § 244.9(c). An appeal was subsequently filed by the applicant. However, there is no appeal of the director's decision in the present case. The appeal will, therefore, be rejected. If the applicant has additional evidence for the record, such documentation should be forwarded on a motion to reopen to the office having jurisdiction over the present application (the office which rendered the initial decision).

ORDER: The appeal is rejected.