



U.S. Citizenship  
and Immigration  
Services

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prevent clearly unwarranted  
invasion of personal privacy

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

MAY 04 2007

[SRC 01 142 54295]

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 California Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant is a native and citizen of El Salvador who was approved for TPS on February 15, 2002, by the Director, Texas Service Center. The Director, CSC, subsequently withdrew the applicant's status on April 20, 2006, when it was determined that he had failed to submit the court disposition(s) for his arrest on August 30, 2002, for driving while intoxicated and failure to stop and give information for an accident with over \$200 in damages.

The applicant's Form I-213, Record of Deportable/Inadmissible Alien, completed by a Border Patrol Agent on July 9, 1998, shows that he was encountered and interviewed in an institution in Houston, Texas on that date. The Form I-213 shows that the applicant was arrested on July 8, 1998 in Harris County Texas for not having a "Texas operators license" under Case [REDACTED]. However, the final court disposition of this arrest is not included in the record of proceedings. Additionally, the record shows that he was deported from the United States at Houston, Texas, on August 28, 1998, under the name [REDACTED].

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).

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 should have been filed on or before May 23, 2006. The appeal was received at the California Service Center on May 30, 2006.

An alien applying for TPS has the burden of proving that he or she is 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.