



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[EAC 02 234 52803]

OFFICE: VERMONT SERVICE CENTER

DATE: JUN 12 2006

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.

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be dismissed.

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. § 1254.

The director denied the application after determining that the applicant had failed to establish that he met the qualification for late initial registration, as he filed his TPS application on June 10, 2002, after the initial registration period (from January 5, 1999 to August 20, 1999). The director noted that the applicant's previous I-821 was denied for abandonment on September 12, 2000.

The AAO reviewed the record of proceeding and noted that the applicant did file an initial TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number EAC 99 139 53542; however, that application was denied on September 12, 2000, due to abandonment. The AAO further noted that although the applicant, in response to the director's request for additional evidence dated March 6, 2003, furnished evidence in an attempt to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite period, no evidence was furnished to establish that he met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). The AAO, therefore, concurred with the director's conclusion and dismissed the appeal on October 28, 2004.

On motion to reopen, the applicant resubmits evidence previously furnished in his effort to establish continuous residence and continuous physical presence in the United States, and reiterated that he did not receive any response to his initial TPS application. As noted by the AAO, however, the notices were mailed to the applicant's most recent address at that time.

Pursuant to 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be proved at the reopened proceedings and be supported by affidavits or other documentary evidence. A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4). A review of the record reveals that the applicant has presented no new facts or other documentary evidence to establish eligibility for late registration in support of the motion to reopen.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. That burden has not been met since the applicant has not provided any new facts or additional evidence to overcome the previous decision of the AAO. Accordingly, the motion will be dismissed, and the previous decision of the AAO will be affirmed.

ORDER: The motion is dismissed. The decision of the AAO dated October 28, 2004, is affirmed.