

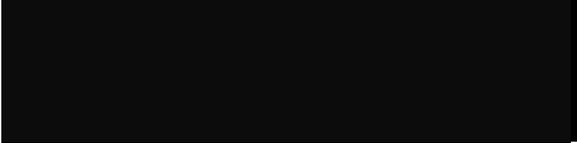


U.S. Citizenship  
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FILE: [SRC 02 223 54749] Office: TEXAS SERVICE CENTER Date: JUL 14 2006

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center, and a subsequent appeal was denied by the Administrative Appeals Office (AAO) on September 10, 2004. The matter is now before the AAO on a motion to reopen that was filed on December 15, 2003, prior to the AAO denial of the appeal. The motion will be dismissed.

The applicant claims to be 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 determined that the applicant had failed to submit evidence, as had been requested, to establish that he has been continuously physically present in the United States since January 5, 1999.

On his appeal received on January 10, 2003, the applicant asserted that he had continuously resided in the United States and that he had maintained continuous physical presence since on or before December 30, 1998. However, he submitted no evidence to establish his claim. As stated above, AAO dismissed his appeal on September 10, 2004.

In this motion to reopen, the applicant argues that he had been living in the United States since on or before December 1998 and notes that he had not received any denial notice relating to his appeal that was filed on January 10, 2003. This motion contains no evidence to support the applicant's continuous residence and continuous physical presence claim. A motion to reopen must state the new facts to be proved at the reopened proceeding, and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4). This motion does not meet these requirements.

It is noted that, the applicant has provided insufficient evidence to establish that he is a national or citizen of Honduras. He has provided a copy of his birth certificate along with an English translation. However, a birth certificate alone does not establish nationality. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a)(1).

**ORDER:** The motion is summarily dismissed.