

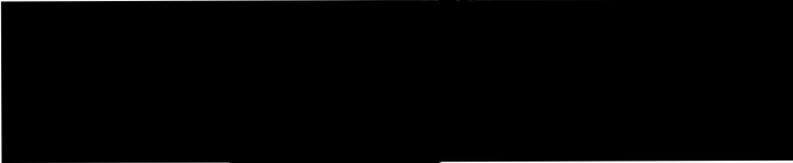
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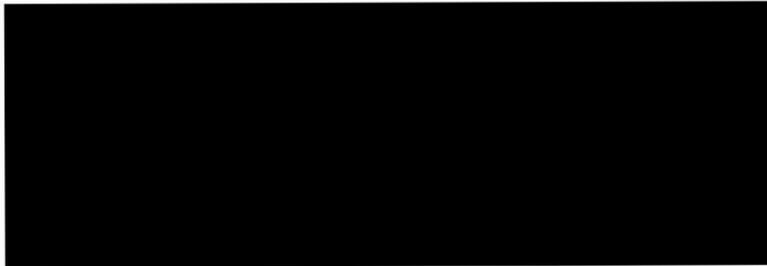


FILE: [REDACTED]
[LIN 02 231 51774]

Office: NEBRASKA SERVICE CENTER

Date: JUN 02 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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center (NSC). A subsequent application was filed and also denied, and an appeal was dismissed by the Director, Administrative Appeals Office (AAO). The applicant filed an untimely motion to the AAO that was subsequently rejected by the NSC. The matter is now before the AAO on appeal. The appeal 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 on February 24, 2003 because the applicant failed to establish he was eligible for late registration.

An appeal from the director's decision was dismissed on September 4, 2003, after the AAO also concluded that the applicant had failed to establish his eligibility for late initial registration. The AAO also determined that the applicant had not submitted sufficient evidence to establish that he had continuously resided in the United States since December 28, 1998 and that he had been continuously physically present since January 5, 1999. The applicant submitted a motion to reopen to the NSC on March 24, 2003. The motion was returned to the applicant by the NSC on October 24, 2003 with instructions that he submit the motion to the AAO. The applicant again submitted the motion and it was rejected as untimely filed by the NSC.

On this appeal, the applicant acknowledges that the first time that he applied for TPS was on June 12, 2000 and apologizes for not applying earlier. The applicant explains that at first, he did not know that he was going to stay in this country, but that after his daughter was born, the situation changed and he decided to remain.

The applicant's new appeal consists of documentation relating to his claim of continuous residence since December 30, 1998, and continuous physical presence since January 5, 1999, in the United States. However, the applicant does not submit any evidence which would establish his eligibility to file for late initial registration.

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, this appeal will be dismissed and the previous decision of the AAO will not be disturbed.

ORDER: The appeal is dismissed.