

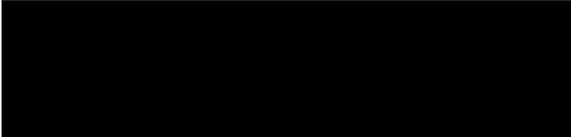
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U.S. Citizenship
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FILE: [REDACTED]
[SRC 02 197 54276]

Office: TEXAS SERVICE CENTER

Date:

SEP 25 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.

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

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO). The applicant filed a motion to reopen that was subsequently dismissed by the AAO. The matter is again before the AAO on a second motion to reopen. The previous decision of the AAO will be affirmed, and 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, Texas Service Center denied the application on July 18, 2002, after determining that the applicant failed to establish that he was eligible for filing his TPS application after the initial registration period from January 5, 1999 to August 20, 1999.

Upon review of the record of proceeding, the AAO concurred with the director's conclusion and dismissed the appeal on October 31, 2002. The applicant submitted an untimely motion to reopen on May 1, 2003. On April 11, 2005, the AAO dismissed the motion as untimely and because the applicant has not submitted any evidence on motion to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2).

On May 6, 2005, the applicant submitted a subsequent motion to reopen. In that motion, the applicant reasserted his claim of eligibility for TPS but failed to submit any evidence in an attempt to establish his eligibility to file his TPS application after the initial registration period.

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).

The applicant's motion to reopen consists of a statement from the applicant and evidence submitted in an attempt to establish continuous residence and continuous physical presence in the United States during the qualifying period. The applicant did not submit any evidence to establish his eligibility to submit a late initial registration. As such, the issue on which the underlying decisions were based has not been overcome on motion.

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 to reopen will be dismissed and the previous decision of the AAO will not be disturbed.

ORDER: The motion to reopen is dismissed. The previous decisions of the AAO dated October 31, 2002 and May 6, 2005 are affirmed.