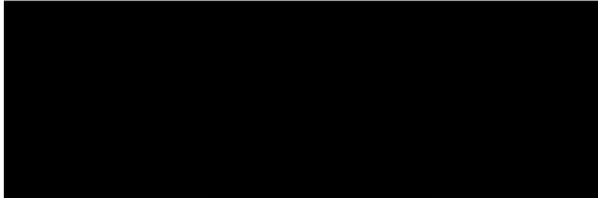




U.S. Citizenship
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invasion of personal privacy



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FILE: [REDACTED]
[WAC 05 105 81418]

Office: California Service Center

Date: APR 03 2007

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant is a citizen of Honduras who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed a TPS application subsequent to the initial registration period under CIS receipt number SRC 02 188 54924. The director, Texas Service Center, denied that application on July 22, 2002, because the applicant failed to establish eligibility for late registration. The record reflects that a subsequent appeal to the AAO was dismissed on October 31, 2002. The AAO affirmed the director's decision because the applicant had failed to establish her eligibility for late registration.

The applicant filed a motion to reopen the AAO's decision on November 26, 2002. The AAO dismissed the applicant's motion on April 17, 2003 based the applicant's failure to overcome the director's initial denial.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 13, 2005, under CIS receipt number WAC 05 105 81418, and indicated that she was re-registering for TPS. The Director, California Service Center, denied the re-registration application on August 10, 2005, as the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. A subsequent appeal to the AAO was dismissed on March 22, 2006. The AAO affirmed the director's decision because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

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).

The AAO's dismissal decision is dated March 22, 2006. Any motion 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 motion, in this case, should have been filed on or before April 25, 2005. The motion was received at the California Service Center on July 5, 2006.

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 motion to reopen was not filed within the allotted time period. 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 decision of the AAO dated March 22, 2006, is affirmed.