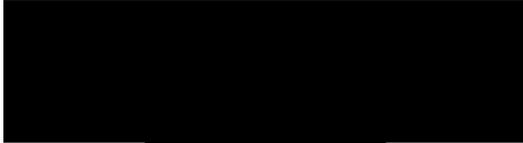




U.S. Citizenship  
and Immigration  
Services

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identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



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FILE:

OFFICE: CALIFORNIA SERVICE CENTER

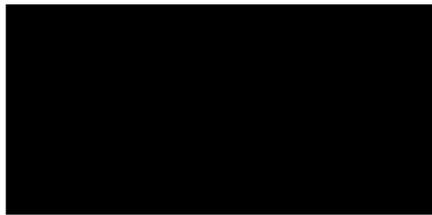
DATE: **AUG 27 2007**

[WAC 05 308 70268]

[WAC 07 047 50393, *motion*]

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC). A subsequent appeal was rejected by the CSC director. The matter is now before the Administrative Appeals Office (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 on September 4, 2006, after determining that the evidence furnished by the applicant in response to the Notice of Intent to Deny was insufficient to establish: (1) continuous residence in the United States since December 30, 1998, and continuous physical presence from January 5, 1999, to the date of filing the application; and (2) that he was eligible for late initial registration.

On October 17, 2006, the applicant filed an appeal from the denial decision. The director rejected the appeal on November 16, 2006, because the appeal was untimely filed, and the appeal did not meet the requirements of a motion to reopen or reconsider pursuant to 8 C.F.R. § 103.5(a)(2) and (3).

On motion, the applicant requests that he be given the opportunity to be legal in this country because he submitted all the documents requested by CIS, he has been physically living here since 1998, and he needs to work to help his family.

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 in support of the motion to reopen, and to establish that that he was eligible for late registration, and that he had established his qualifying continuous residence and continuous physical presence during the requisite periods, as addressed by the CSC director.

Accordingly, the motion will be dismissed, and the previous decision of the director will be affirmed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The motion is dismissed. The decision of the director dated September 4, 2006, is affirmed.