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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: JUL 30 2007
[WAC 05 053 70533]

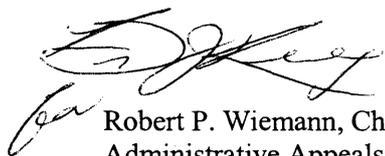
IN RE: Applicant: [REDACTED]

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 Administrative Appeals Office (AAO). The matter is now before the 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 re-registration application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The applicant appealed the director's decision to the AAO on August 17, 2005. The AAO reviewed the record of proceeding and noted that the applicant's initial TPS application [SRC 02 139 55692] was denied by the Director, Texas Service Center, based on abandonment on July 24, 2002, because the applicant had failed to respond to a request [dated June 20, 2002] for evidence. The AAO also noted that the applicant, on appeal, had failed to provide any evidence: (1) to establish that the application [for re-registration] should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2); and (2) to establish his qualifying continuous residence [since December 30, 1998] and continuous physical presence [since January 5, 1999] as described in 8 C.F.R. § 244.2(b) and (c). The AAO, therefore, dismissed the appeal on August 8, 2006.

A motion to reopen was filed on December 28, 2006. The applicant requests that his case be reopened because he has been residing in the United States since 1998, and that he has submitted all the documents requested by the director. In an attempt to establish his residence and physical presence, the applicant submits additional evidence, including evidence previously furnished and contained in the record.

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 re-registration, that he was eligible for late registration, and that he has established his qualifying continuous residence and continuous physical presence during the requisite periods, as addressed by the AAO.

Accordingly, the motion will be dismissed, and the previous decision of the AAO 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 AAO dated December 8, 2006, is affirmed.