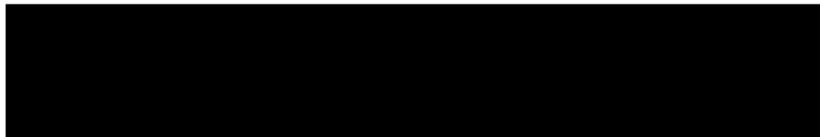


identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



M1

FILE: [REDACTED]
[SRC 02 180 55076]

OFFICE: TEXAS SERVICE CENTER

DATE: **JUL 31 2007**

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 California Service Center. Any further inquiry must be made to that office.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center (TSC). The Administrative Appeals Office (AAO) dismissed an appeal from the denial decision. The AAO subsequently dismissed two motions to reopen the case. The matter is now before the AAO on a third motion to reopen. The motion will be dismissed, and the previous decision of the AAO will be affirmed.

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.

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999. On May 11, 2000, the Attorney General announced an extension of the TPS designation until July 5, 2001. Subsequent extensions of the TPS designation have been granted with the latest extension valid until January 5, 2009, upon the applicant's re-registration during the requisite time period.

The initial registration period for Hondurans was from January 5, 1999 through August 20, 1999. The record indicates that the applicant filed her initial TPS application on May 20, 2002. To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2).

The TSC director denied the application on August 5, 2002, after determining that the applicant had failed to submit evidence to establish that she was eligible for late registration.

On September 10, 2002, the applicant filed an appeal from the denial decision. The AAO dismissed the appeal on February 28, 2003, after concluding that the applicant had not submitted any evidence to establish that she was eligible for late registration. On September 4, 2003, the applicant filed a motion to reopen her case. The AAO dismissed the motion on September 16, 2004, because the motion did not state new facts to be proved at the reopened proceeding, or that the decision was based on an incorrect application of law or policy as provided in 8 C.F.R. § 103.5(a)(2) and (3). The AAO noted that the applicant furnished with the motion documentation relating to her claim of continuous and continuous physical presence; however, the primary basis for the denial of the decision was the applicant's failure to file her TPS within the initial registration period and to establish her eligibility for late registration, and that the issue on which the underlying decisions were based had not been overcome on motion.

On November 5, 2004, the applicant again filed a motion to reopen her case. The AAO dismissed the motion on November 22, 2006, because the motion was not filed within the required 30 days, and the applicant had not demonstrated that the delay was reasonable and was beyond her control. On December 16, 2006, the applicant filed a third motion to reopen. She requests that she be given the opportunity to be legal in this country because she has been living in the United States since 1998; she submits additional evidence in an attempt to establish residence and physical presence in the United States during the requisite periods.

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 in support of the motion to reopen, the applicant has presented no new facts or other documentary evidence to establish eligibility for late registration, nor did the applicant address this primary basis of the denial of the TPS application.

Accordingly, the motion will be dismissed, and the previous decisions of the AAO will be affirmed.

It is noted that the applicant appears to be attempting to prolong the appeal process indefinitely and outside of any remedies remaining available to her.

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 decisions of the AAO dated February 28, 2003; September 16, 2004; and November 22, 2006, are affirmed.