



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[SRC 03 187 54728]

OFFICE: TEXAS SERVICE CENTER

DATE: JUN 27 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.

[Signature]

for 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 July 5, 2007, 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 his initial TPS application on June 23, 2003. To qualify for late registration, the applicant must provide evidence that during the initial registration period he 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 October 8, 2003, after determining that the applicant had failed to submit evidence to establish that he was eligible for late registration.

On November 3, 2003, the applicant filed an appeal from the denial decision. The AAO dismissed the appeal on September 1, 2004, after concluding that the applicant had not submitted any evidence to establish that he was eligible for late registration, and that the applicant also had provided insufficient evidence to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods.

On October 14, 2004, the applicant filed a motion to reopen his case. The AAO dismissed the motion on October 18, 2005, because the motion was not filed within the required 30 days, and the applicant has not demonstrated that the delay was reasonable and was beyond his control.

On November 14, 2005, the applicant again filed a motion to reopen his case. The AAO dismissed the motion on October 6, 2006, because the motion did not meet one of the applicable requirements set forth in 8 C.F.R. § 103.5(a)(3). The AAO noted that the applicant furnished with the motion documentation relating to his claim of continuous residence in the United States since December 30, 1998, and continuous physical presence since January 5, 1999; however, the primary basis for the denial of the decision was the applicant's failure to file his TPS within the initial registration period and to establish his eligibility for late registration, and that the issue on which the underlying decisions were based had not been overcome on motion.

On October 24, 2006, the applicant filed a third motion to reopen. He requests reconsideration because he has been living in the United States since 1998, and 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 him.

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 September 1, 2004; October 18, 2005; and October 6, 2006, are affirmed.