

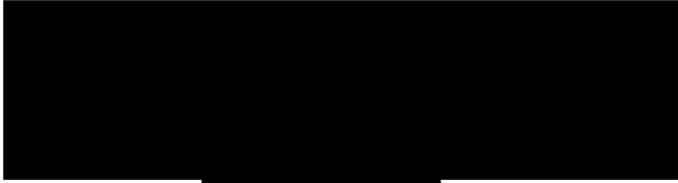


U.S. Citizenship
and Immigration
Services

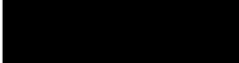
PUBLIC COPY

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

ML



FILE:



Office: California Service Center

Date:

MAY 03 2007

[WAC 06 020 52427, Motion]

[SRC 03 187 54407]

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.

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, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on a motion to reopen. The motion to reopen will be dismissed.

The applicant is a 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 record reveals that the applicant filed a late initial TPS application on June 23, 2003, under CIS receipt number SRC 03 187 54407. The Director, Texas Service Center, denied that application on January 15, 2004, because the applicant failed to establish eligibility for late initial registration for TPS. The applicant appealed the director's decision. The AAO Director affirmed the denial decision and dismissed the appeal, on September 2, 2005. The applicant filed a motion to reconsider the AAO decision on October 24, 2005 under CIS receipt number WAC 06 020 52427.

The applicant filed a subsequent Form I-821, Application for Temporary Protected Status, on December 23, 2004, under CIS receipt number WAC 05 084 74021, and indicated that he was re-registering for TPS. The California Service Center 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 filed a separate appeal. The AAO will address that appeal in a separate decision.

A motion to reopen must state the new facts to be proved at the reopened proceeding, and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

A motion to reconsider must state the reason for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy ... [and] must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

The applicant's motion to reopen consists essentially of a statement that he would like his case reopened to give him an opportunity to be legal in this country. In support of the motion, in an attempt to establish his continuous residence in the United States and his continuous physical presence, the applicant submitted various documents, including a tax return, a medical record issued in 2004, rent receipts, and generic receipts. However, there was no documentation relating to applicant's late initial registration. The primary basis for the denial of the application and the appeal was the applicant's failure to file his Application for Temporary Protected Status within the initial registration period or to establish his eligibility for late registration for TPS. The motion does not address the applicant's eligibility for late initial registration. As such, the issue on which the underlying decisions were based has not been addressed or overcome on motion.

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 applicant has not provided any new facts or additional evidence to overcome the previous decision of the AAO. 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 decision of the AAO Director, dated September 2, 2005 is affirmed.