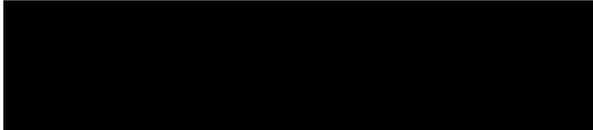


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prevent clearly unwarranted
invasion of personal privacy



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

SEP 20 2007

[WAC 05 088 72419]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California Service Center. A subsequent appeal was dismissed by the Chief, Administrative Appeals Office. The matter is now before the Administrative Appeals Office (AAO) on a motion to reopen. The motion to reopen will be granted and the appeal 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 record reveals that the applicant filed a TPS application subsequent to the initial registration period under CIS receipt number SRC 03 223 54509. The Director, Texas Service Center, denied that application on January 6, 2004, because the applicant failed to submit sufficient evidence to establish his eligibility for late registration.

The applicant filed an appeal on January 28, 2004. The AAO dismissed the appeal on January 26, 2005, after also determining that the applicant failed to submit sufficient evidence to establish his eligibility for late registration. The applicant filed a motion to reopen or reconsider on February 25, 2005. That motion is being dismissed under a separate order because the underlying decisions have not been overcome on motion.

The director denied the TPS application because the applicant failed to establish his eligibility for re-registration.

A subsequent appeal from the director's decision was dismissed on October 3, 2006, after the Chief of the AAO also concluded that the applicant had failed to establish that he was eligible for re-registration. On motion to reopen, the applicant reasserts his claim of eligibility for TPS.

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 has failed to state new facts or to submit affidavits or other documentary evidence to support a motion to reopen. The applicant submitted a re-registration application on December 27, 2004. The director denied the TPS application on July 23, 2005, because the applicant's initial TPS application had been denied and because he was not eligible to apply for re-registration for TPS. On appeal, the AAO affirmed the director's denial. The applicant filed a motion to reopen on October 24, 2006. The applicant has failed to provide any new facts or additional evidence to overcome the previous decision of the AAO.

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 previous decision of the AAO dated October 3, 2006, is affirmed.