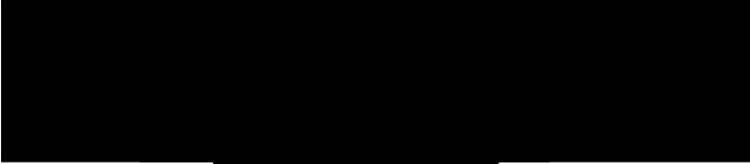




**U.S. Citizenship
and Immigration
Services**

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

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FILE:

Office: Vermont Service Center

Date: **APR 22 2008**

[EAC 06 259 72184]

[EAC 08 069 51388 - motion]

INRE:

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Yermont Service Center (YSC). A subsequent appeal was dismissed by the Chief of 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 application on December 11, 2006, because the applicant failed to establish she was eligible for late registration. The applicant also failed to establish her qualifying continuous residence and continuous physical presence in the United States.

A subsequent appeal from the director's decision was dismissed on December 3, 2007, after the AAO also concluded that the applicant had failed to establish that she was eligible for late registration. The AAO also concluded that the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States. On January 8, 2008, the applicant submitted this motion to reopen and reasserts her claim of eligibility for TPS.

A motion to reopen or reconsider must be filed within thirty days of the underlying decision, except that failure to file during this period may be excused at the Service's discretion when the applicant has demonstrated that the delay was reasonable and beyond the control of the applicant. 8 C.F.R. § 103.5(a)(1)(i).

Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. 8 C.F.R. § 103.5a(b).

Any motion to reopen must be filed within thirty days. Coupled with three days for mailing, the motion, in this case, should have been filed on or before January 7, 2008. The motion was received at the YSC on January 8, 2007. Further, the applicant has failed to provide any explanation for the delay in filing the 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 motion to reopen was not filed within the allotted time period. 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 December 3, 2007, is affirmed.