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**U.S. Citizenship
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Services**

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FILE: [REDACTED] OFFICE: California Service Center DATE: **JAN 03 2008**
[WAC 0520871981]

INRE: Applicant: [REDACTED]

APPLICAnON: 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 application was denied by the Director, California Service Center. A subsequent appeal was dismissed by the Chief, Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion to reopen will be dismissed.

The applicant claims to be a citizen of El Salvador 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 initial application because the applicant had abandoned his application. The director denied the current application for re-registration because the applicant had not been granted TPS and, therefore, was not eligible for re-registration.

The appeal from the director's decision was dismissed on July 20, 2006, after the Chief of the AAO concluded that the applicant was not eligible for re-registration. The Chief also determined that the applicant was ineligible for TPS because he had been convicted of two or more misdemeanors in the United States, and had failed to provide the actual final court disposition for additional arrests on his record. On motion to reopen, the applicant articulates his claim of eligibility for TPS and asks that CIS sustain his appeal.

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.P.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.P.R. § 103.5a(b).

The previous decision from the AAO was dated July 20, 2006. Any motion to reopen must have been filed within thirty days after service of the decision. 8 C.P.R. § 103.5(a)(1)(i). Coupled with three days for mailing, the motion, in this case, should have been filed on or before August 22, 2006. The motion to reopen was received on June 11, 2007.

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 July 20, 2006, is affirmed.