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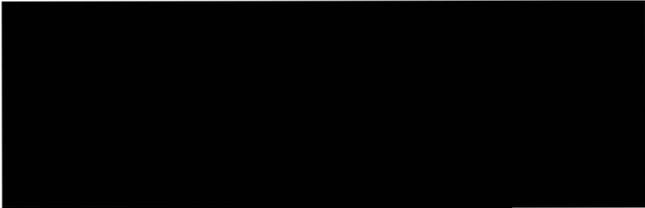
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: California Service Center

Date: MAY 06 2008

[WAC 05 055 74229]
[EAC 07 227 51602, appeal]

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 application was denied by the Director, California Service Center. A subsequent appeal was dismissed by the Director, 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 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 late initial TPS application on July 7, 2003, under Citizenship and Immigration Services (CIS) receipt number SRC 03 198 54446. The director, Texas Service Center, denied that application on March 29, 2004, because the applicant failed to establish that he was eligible for late initial registration for TPS. The record does not reflect that the applicant filed an appeal or a motion to reopen/reconsider.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on November 24, 2004, under CIS receipt number WAC 05 055 74229, and indicated that he was re-registering for TPS. The Director, California Service Center, denied that application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

A subsequent appeal from the director's denial decision was dismissed by the Chief of the AAO, on July 5, 2007. The AAO affirmed the director's denial noting that the applicant had failed to establish eligibility for late initial registration for TPS. The applicant filed this motion to reopen/reconsider.

On motion, the applicant states that he entered the United States in June 1998, and he would like the opportunity to work to support his family. With his motion, in an attempt to establish his eligibility for TPS, the applicant submits copies of various documents including money order receipts, merchandise receipts, and reference letters.

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 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 as he has been in the United States since 1998.

The applicant failed to submit sufficient evidence to establish that he was eligible for late initial registration, under 8 C.F.R. § 244.2(f)(2). The basis for the denial of the initial 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 previous decision of the AAO, dated July 5, 2007, is affirmed.