

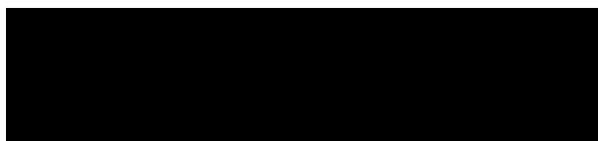


**U.S. Citizenship
and Immigration
Services**

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FILE:

[WAC 05 082 75519]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: **JUN 25 2007**

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 (CSC). A subsequent appeal was dismissed by 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 record reveals that the applicant filed an initial TPS application on June 27, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 211 54406. The Director, Texas Service Center (TSC), denied that application on September 16, 2002, because the applicant had failed to establish his eligibility for late registration under 8 C.F.R. § 244.2(f)(2), as well as his qualifying continuous residence since December 30, 1998, and continuous physical presence since January 5, 1999. The TSC director noted that the applicant indicated on the TPS application that he did not enter the United States until February 14, 2000. The applicant appealed the TSC director's decision to the AAO on November 8, 2002, and that appeal was dismissed by the AAO on April 23, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status [WAC 05 082 75519], on December 21, 2004, and indicated that he was re-registering for TPS. The CSC 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 appealed the CSC director's decision to the AAO on August 17, 2006. The AAO affirmed the CSC director's decision and denied the re-registration application on October 4, 2006, because the applicant had not previously been granted TPS; therefore, he was not eligible to re-register for TPS. The AAO noted that the applicant had not established eligibility for late registration as well as his qualifying continuous residence and continuous physical presence in the United States, he had not provided sufficient evidence to establish that he is a national or citizen of Honduras, and that the applicant had stated on his initial application that he did not enter the United States until February 14, 2000; therefore, he could not have met the requirements that he had continuously resided in the United States since December 30, 1998, and had been continuously physically present since January 5, 1999.

On motion, the applicant requests that his case be reopened and that he be given the opportunity to be legal in this country. He asserts that he has been physically residing in the United States since 1998, and submits additional evidence in an attempt to establish continuous residence and continuous physical presence during the requisite period.

Pursuant to 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be proved at the reopened proceedings and be supported by affidavits or other documentary evidence. A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4). A review of the record reveals that the applicant has presented no new facts or other documentary evidence in support of the motion to reopen, and to establish that he was eligible for re-registration, that he was eligible for late registration, and that he had established his qualifying continuous residence and continuous physical presence during the requisite periods, as addressed by the AAO. As previously determined by the AAO, the applicant, by his own admission, stated that he arrived in the United States on February 14, 2000, subsequent to the eligibility period. While the applicant submitted purchase receipts dated from 1998 to the date of filing, none of these receipts listed the applicant's name.

Accordingly, the motion will be dismissed, and the previous decision of the AAO will be affirmed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The motion is dismissed. The decision of the AAO dated October 4, 2006, is affirmed.