



U.S. Citizenship
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FILE: [REDACTED]
[SRC 03 195 53103]

Office: TEXAS SERVICE CENTER

Date: DEC 28 2005

IN RE: Applicant: [REDACTED]
A.K.A. [REDACTED]

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, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas 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 previous decision of the AAO will be affirmed and the motion to reopen will be dismissed.

The applicant claims to be 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 for TPS because the applicant failed to establish he was eligible for late registration. The director also found that the applicant had not established that he had continuously resided in this country since December 30, 1998, and that he had been continuously physically present in the United States since January 5, 1999.

The appeal from the director's decision was dismissed after the Director of the AAO who also concluded that the applicant had failed to establish his eligibility for late registration and failed to establish his qualifying continuous residence or continuous physical presence during the requisite time periods.

On motion to reopen, the applicant submits evidence in an attempt to establish his qualifying residence in the United States.

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).

On motion, the applicant submits unsigned copies of his IRS Form 1040, U.S. Individual Income Tax Returns for 1999 through 2003, various store, pharmacy, and money order receipts which do not bear his name. After review, it is determined that unsigned and nonspecific documentation is not of probative value in determining if the applicant resided in the United States since December 30, 1998 and has been continuously physically present in the United States since January 5, 1999. Additionally, he does not address the issue of his eligibility for late registration.

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 27, 2004, is affirmed.