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U.S. Department of Homeland Security  
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Washington, DC 20529



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

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: JAN 03 2008  
[WAC 0615970081]

INRE: Applicant: [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 California Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 **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 for TPS **because** the applicant **failed** to establish he was eligible for late initial registration. The director also determined the applicant **had** not met the continuous residence and continuous physical presence requirements for TPS.

The appeal from the director's decision was dismissed on May 21, 2007, after the Chief of the AAO also concluded **that** the applicant **had failed** to establish his eligibility for TPS. On motion to **reopen**, the applicant reasserts his 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).

The previous AAO decision was **dated** May 21, 2007. Any motion to **reopen** must be filed within thirty days after service of the decision 8 C.F.R. § 103.5(a)(1)(i). Coupled with three days for mailing, the motion, in this case, should have been filed on or before June 25, 2007. The motion to **reopen** was received on July 10, 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 because the motion to reopen was not filed within the required time period. Accordingly, the motion to reopen is 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 May **21**, 2007, is **affirmed**.