



U.S. Citizenship  
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Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: DEC 16 2004

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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Nebraska Service Center. 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.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The director denied the application after determining that the applicant had failed to submit any evidence to establish that she was eligible for late registration.

The AAO reviewed the record of proceeding and noted that the director, in his decision, maintained that although the applicant, in response, furnished additional evidence of her residence, no evidence was furnished to establish that she met the qualification for late registration. The AAO further noted that the applicant, on appeal, submits no evidence to establish that she had met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). The AAO, therefore, concurred with the director's conclusion and dismissed the appeal on February 20, 2004.

On motion, the applicant resubmits evidence previously furnished in her effort to establish continuous residence and continuous physical presence in the United States. However, the applicant neither addresses nor submits evidence to establish that she was eligible for TPS because during the initial registration period from January 5, 1999 through August 20, 1999, she fell within the provisions described in 8 C.F.R. § 244.2(f)(2).

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 of late registration in support of the motion to reopen.

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 be affirmed.

**ORDER:** The motion to reopen is dismissed. The decision of the AAO dated February 20, 2004, is affirmed.