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



U.S. Citizenship
and Immigration
Services

M1

FILE:

[SRC 02 207 52782]

Office: Texas Service Center

Date:

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, Texas Service Center. A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO). The director of the Texas Service Center denied the applicant's first and second motions to reopen. The matter is now before the AAO on a third motion to reopen. The motion to reopen will be rejected.

The applicant is a native and citizen of Nicaragua 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 on August 8, 2002, after determining that the applicant had failed to establish her eligibility for late registration. The applicant filed an appeal to the director's decision, which was dismissed on January 14, 2003. A subsequent motion to reopen from the director's decision was denied on July 1, 2003. On July 31, 2003, the applicant submitted a second motion to reopen which was denied on September 24, 2003. The director advised the applicant that the decision could not be appealed.

The applicant responded to the director's second motion to reopen; however, the director erroneously accepted the applicant's response as an appeal instead of a motion to reopen and forwarded the file to the AAO. Regarding the motion to reopen, the regulations specifically state that the official having jurisdiction is the official who made the latest decision in the proceeding. 8 C.F.R. § 103.5 (a)(1). Therefore, the motion to reopen will be rejected.

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

It is noted that the applicant appears to be attempting to prolong the appeal process indefinitely and outside of any remedies remaining available to her.

ORDER: The motion to reopen is rejected.