



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: California Service Center Date: **OCT 31 2006**
[WAC 06 194 52078]

IN RE: Applicant: [REDACTED]

PETITION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254.

ON BEHALF OF PETITIONER: 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.


for 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 Director, Administrative Appeals Office. The matter is now before the Administrative Appeals Office (AAO) on a motion to reopen. The motion to reopen will be dismissed.

The applicant is stated to be a 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 a late initial TPS application on July 1, 2002 under CIS receipt number SRC 03 228 54432. The Director, Texas Service Center denied that application on April 1, 2003, because the applicant failed to submit evidence to establish that she was eligible for late initial registration, and to submit evidence of her identity and nationality. The applicant appealed the director's decision to the AAO on April 23, 2003. The AAO affirmed the director's decision and dismissed the appeal on January 24, 2005.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 29, 2004, and indicated that she was re-registering for TPS.

The director denied the re-registration application, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

A subsequent appeal from the director's decision was dismissed on May 8, 2006, after the Director of the AAO also concluded that the applicant had failed to establish that she was eligible for late registration. On motion to reopen, the applicant reasserts her claim of eligibility for TPS, and states only that that she has been in the United States since 1998. In an attempt to establish her eligibility, including her eligibility for late initial registration, the applicant submits copies of: an undated receipt from Direct Selling Association; a fingerprint notice, dated March 2, 2005; a Florida learner permit issued on April 28, 2005; a vaccination certificate, showing vaccinations from November 12, 2004 through December 15, 2005; a shipping receipt issued in 2006; a rent receipt, dated September 1, 2004; 2 prescriptions issued by Jackson Memorial Hospital, dated August 6, 2004, and November 1, 2004; a hospital appointment notice, dated September 16, 2004; an untranslated document in Spanish, dated October 30, 2003; a bank transfer receipt, dated April 24, 2005; a cash payment receipt from [REDACTED] Center, dated December 15, 2005; and 23 Western Union receipts.

A motion to reopen must state the new facts to be proved at the reopened proceeding, and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

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).

The applicant's motion to reopen consists only of a statement that she would like her case reopened to give her an opportunity to be legal in this country. There was no documentation relating to applicant's late initial registration. The primary basis for the denial of the application and the appeal was the applicant's failure to file her Application for Temporary Protected Status within the initial registration period or to establish her eligibility

for late registration for TPS. The motion does not address the applicant's eligibility for late initial registration. As such, the issue on which the underlying decisions were based has not been addressed or overcome on motion.

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.

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 May 8, 2006 is affirmed.