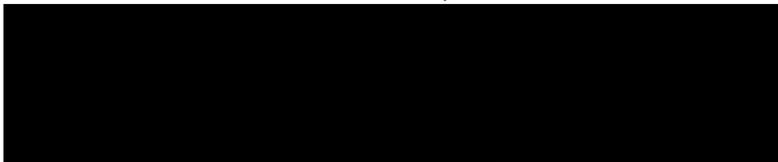




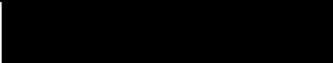
U.S. Citizenship  
and Immigration  
Services

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prevent clearly unwarranted  
invasion of personal privacy**



FILE:



Office: California Service Center

Date:

APR 30 2007

[WAC 05 097 72971 & WAC 06 205 50920, motion]

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 California Service Center. Any further inquiry must be made to that office.

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 (AAO). The matter is now before the AAO on a motion to reopen. The motion to reopen will be dismissed.

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 record reveals that the applicant filed a late initial TPS application on July 01, 2003, under CIS receipt number SRC 03 193 54371. The director, Texas Service Center, denied the application, on October 15, 2003, because the applicant failed to establish that she was eligible for late initial registration.

A subsequent appeal from the director's October 15, 2003 decision was rejected by the Director of the AAO, on September 24, 2004, because it was not filed until December 9, 2003, after the 30-day prescribed period for filing an appeal. A subsequent motion to reopen the AAO's decision was dismissed by the Director of the AAO on May 26, 2006. The Director of the AAO noted that 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. As the motion did not address the applicant's eligibility for late initial registration, the issue on which the underlying decisions were based had not been addressed or overcome on motion, the Director of the AAO dismissed the motion.

The applicant filed a subsequent Form I-821, Application for Temporary Protected Status, on December 30, 2004, under CIS receipt number WAC 05 097 72971, and indicated that she was re-registering for TPS. The director denied that application on July 23, 2005, because the applicant's prior TPS application had been denied and the applicant was not eligible to re-register for TPS.

A subsequent appeal from the director's decision was dismissed by the Director of the AAO, on May 26, 2006, after the Director of the AAO also concluded that the applicant had failed to establish that she was eligible for re-registration. The Director of the AAO affirmed the decision of the director as a previous grant had not been afforded the applicant, and the applicant was not eligible to re-register for TPS. On motion to reopen, the applicant reasserts her claim of eligibility for TPS.

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 as she has been in the United States since 1998. With the

motion, in an attempt to establish her continuous residence and her continuous physical presence, the applicant submits photocopies of various invoices, and receipts, including receipts for merchandise.

However, there was no documentation relating to applicant's late initial registration. It is noted that the applicant failed to submit sufficient evidence to establish that she was eligible for late initial registration, under 8 C.F.R. § 244.2(f)(2). 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.

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 26, 2006, is affirmed.