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U.S. Citizenship  
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FILE:

[REDACTED]  
[SRC 02 195 54712]

OFFICE: TEXAS SERVICE CENTER

DATE:

DEC 31 2007

[REDACTED]  
[EAC 07 197 50466-MOTION]

IN RE:

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 office that originally decided your case. Any further inquiry must be made to that office.

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

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the application for Temporary Protected Status (TPS). The Chief, Administrative Appeals Office (AAO), dismissed a subsequent appeal. The AAO also dismissed the applicant's motion to reopen as untimely filed. The matter is now before the AAO on a motion to reconsider. The previous decision of the AAO will be affirmed and the motion to reconsider will be dismissed.

The applicant claims to be a citizen of Honduras who is seeking TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant failed to establish he was eligible for late registration. A subsequent appeal from the director's decision was dismissed on November 12, 2002 after the Chief of the AAO also concluded that the applicant had failed to establish that he was eligible for late registration. The AAO also dismissed the applicant's motion to reopen its November 12, 2002 decision as untimely filed.

On motion to reconsider, the applicant reasserts his claim of eligibility for TPS.

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 reconsider consists of documentation relating to his claim of residence since December 30, 1998, and physical presence since January 5, 1999, in the United States. The applicant did not address the late filing of his motion to reopen. Further, he does not address applicant's eligibility for late registration, the ground for which his application was denied and his appeal dismissed. 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 pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. Accordingly, the motion to reconsider will be dismissed and the previous decision of the AAO will not be disturbed.

**ORDER:** The motion to reconsider is dismissed. The previous decision of the AAO dated May 29, 2007 is affirmed.