



U.S. Citizenship
and Immigration
Services

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JUL 13 2007

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date:

[EAC 03 259 57581]

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 California Service Center. 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, Vermont Service Center. A subsequent untimely appeal was treated as a motion to reopen and was dismissed by the Director, Vermont Service Center. The applicant appealed the director's decision on the motion, and it is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citizen of El Salvador 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 after determining that the applicant failed to appear for fingerprinting.

The applicant filed an untimely appeal that was treated as a motion to reopen.

Upon review of the record of proceeding, the Director, Vermont Service Center, dismissed the motion on December 8, 2004.

On appeal, the applicant reasserts her claim of eligibility for TPS but failed to submit any evidence in an attempt to establish her qualifying residence in the United States or her eligibility for late registration.

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 that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

The applicant's motion to reopen consists of a statement from the applicant. As such, the issue on which the underlying decisions were based has not been 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 December 8, 2004 decision. Accordingly, the appeal will be dismissed and the December 8, 2004 decision will not be disturbed.

ORDER: The appeal is dismissed.