



U.S. Citizenship
and Immigration
Services

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MAR 26 2007

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 062 77831]

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.

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 (AAO). The matter is before the AAO on a motion to reopen. The motion to reopen will be dismissed and the previous decision of the AAO will be affirmed.

The applicant is 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 her initial TPS application on May 15, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 176 53526. The Director, Texas Service Center, denied that application on July 17, 2002, because the applicant failed to establish her eligibility to file for late initial registration. On August 13, 2002, the applicant filed an appeal from the denial decision. The Director (now Chief), AAO, dismissed that appeal on October 30, 2002.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 1, 2004, and indicated that she was re-registering for TPS. The director denied the re-registration application on July 23, 2005 because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

Upon review of the record of proceeding, the AAO concurred with the director's conclusion and dismissed the appeal on May 24, 2006.

On motion to reopen, the applicant reasserted her claim of eligibility for TPS but failed to submit any evidence in an attempt to establish 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 and submission of evidence that is not probative. As such, the issue on which the underlying decisions were based has not been overcome on motion.

Beyond the decision of the director, it is noted that the applicant has provided insufficient evidence to establish her qualifying continuous residence since December 30, 1998 and continuous physical presence from January 5, 1999 to the filing date of the TPS application. Therefore, the application must be denied for these reasons as well.

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 24, 2006, is affirmed.