



U.S. Citizenship
and Immigration
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[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **AUG 05 2008**
[WAC 05 124 70803]
[WAC 08 145 54964, motion]

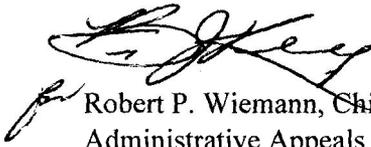
IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:
[REDACTED]

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.


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 and the previous decision of the AAO will be affirmed.

The applicant is stated to be 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 re-registration application after determining that the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. On September 20, 2003, and again on January 27, 2004, the applicant was requested to submit evidence to establish her qualifying residence in the United States and a copy of her photo identification. The Director, Texas Service Center (TSC), determined that the record did not contain a response from the applicant and, therefore, denied the application due to abandonment on April 27, 2004

Upon review of the record of proceeding, the AAO concurred with the director's conclusion and dismissed the appeal on September 1, 2006.

On motion to reopen, the applicant reasserted her claim of eligibility for TPS and submitted 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 establishes her continuous presence in the United States during the qualifying period. However, it is noted that although the applicant has submitted a copy of a birth certificate with English translation, it was not accompanied by photo identification or a national identity document from the alien's country of origin bearing photo and/or fingerprint to establish her nationality and identity. 8 C.F.R. §244.9(a)(1). As such, this 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 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 is affirmed.