



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: JAN 03 2008
[SRC 02 139 56100]
[EAC 07 177 52708-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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center. An appeal was dismissed by the Administrative Appeals Office (AAO). Two motions to reopen were filed that have been subsequently dismissed by the AAO. The matter is again before the AAO on a third motion to reopen. The previous decisions of the AAO will be affirmed and the motion will be dismissed.

The applicant claims to be 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 director denied the application because the applicant failed to establish that she was eligible for late registration.

The AAO, in dismissing the appeal on August 5, 2005, concurred with the director's findings that the applicant had failed to establish she was eligible for late registration.

The initial motion to reopen was dismissed by the AAO on July 3, 2006, pursuant to 8 C.F.R. § 103.5(a)(1)(i) as the motion was untimely filed.

The second motion to reopen was dismissed by the AAO on May 2, 2007 as the issue on which the underlying decision was based had not been addressed or overcome on motion.

On motion, the applicant once again reasserts her claim of eligibility for TPS and requests that her application be reconsidered. The applicant submits additional evidence in an attempt to establish her continuous residence and physical presence in the United States during the requisite periods.

However, the primary basis for the denial of the application and the dismissal of the appeal was not a failure to establish qualifying residence and physical presence. Rather, the primary basis for these decisions 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. Once again, the motion does not address applicant's eligibility for late 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 decisions of the AAO will not be disturbed.

ORDER: The motion to reopen is dismissed. The previous decisions of the AAO dated August 5, 2005, July 3, 2006, and May 2, 2007, are affirmed.