



U.S. Citizenship
and Immigration
Services

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JUL 28 2008

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 084 71300]

[EAC 08 068 51319, motion]

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.

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 applicant filed a motion to reopen that was subsequently dismissed by the AAO. The applicant filed a second motion to reopen that was also dismissed by the AAO. The matter is again before the AAO on a third motion to reopen. The previous decision of the AAO will be affirmed, and the motion will be dismissed.

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 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 June 26, 2006.

On the initial motion to reopen, the applicant stated that she entered the United States in 1997 and has provided all of the requested evidence. The AAO dismissed this motion on March 5, 2007. On the second motion to reopen, the applicant again stated that she entered the United States in 1997 and has provided all of the requested evidence. The AAO dismissed this motion on December 7, 2007. On the current motion to reopen, the applicant once again claims that she entered the United States in 1997 and has provided all of the requested evidence.

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 resubmission of evidence previously provided. 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 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.