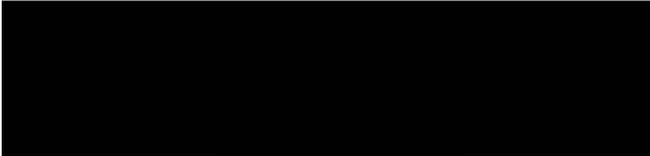


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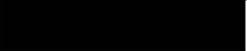


**U.S. Citizenship  
and Immigration  
Services**

PUBLIC COPY



FILE:



Office: TEXAS SERVICE CENTER

Date:

**MAR 27 2008**

[SRC 04 213 52772, motion]

[SRC 02 21453816]

INRE:

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the director as an untimely filed motion. This matter is now before the Administrative Appeals Office on motion. The motion will be dismissed.

The applicant is a native and 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 initial TPS application on January 3, 2003 after determining that the applicant had failed to establish that she was eligible for late initial registration.

The applicant filed a timely appeal on January 22, 2003 which the director incorrectly classified as an untimely filed motion. The director stated in her July 1, 2004 decision that the applicant's motion "filed on September 4, 2001" was untimely. The applicant submitted a second Form I-290B (SRC 03 080 50514), appealing the denial of her initial TPS application. The AAO reviewed the entire record and dismissed the appeal on October 26, 2004 because the applicant had not established her eligibility for late initial registration. The AAO also noted in the decision that the applicant had not provided sufficient evidence to establish her qualifying continuous residence and continuous physical presence during the requisite periods.

The instant motion was filed on August 3, 2004.

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 in which the applicant asserts that she has lived in the United States since 1994 and has the evidence to prove this claim. 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.