

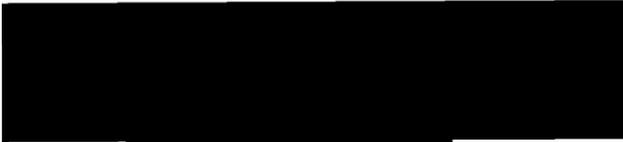
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FILE:

Office: VERMONT SERVICE CENTER

Date **OCT 10 2008**

[WAC 05 098 76803]
[EAC 08 119 50800 - *previous motion*]
[EAC 08 209 50313 - *current motion*]

IN RE:

Applicant:



APPLICATION:

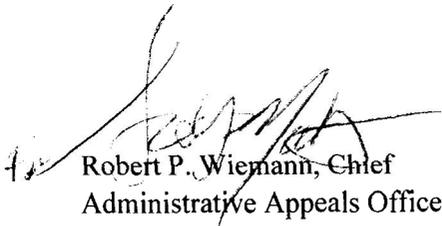
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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). Subsequent motions to reopen were dismissed by the AAO. The matter is now before the AAO on another motion to reopen. The motion to reopen will be dismissed and the previous decisions of the AAO will be affirmed.

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 applicant filed his initial Form I-821 on July 8, 2002, under receipt number SRC 02 234 54565. The Director, Texas Service Center denied the application as abandoned on March 19, 2003 because the applicant failed to respond to a request for evidence to establish his eligibility to file for late initial registration. Two subsequent motions to reopen were denied by the Director, Texas Service Center because the applicant failed to establish his eligibility for late initial registration.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 6, 2005, under receipt number WAC 05 098 76803, and indicated that he was re-registering for TPS. The Director, California Service Center denied the re-registration application on August 15, 2005 because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed an appeal from the director's decision which was denied by the AAO on January 3, 2007. Subsequent motions to reopen were dismissed by the AAO on August 27, 2007, February 19, 2008, and June 6, 2008.

On the current motion to reopen, the applicant states that he has been in the United States since 1995 and has provided all of the requested evidence. The applicant also submits evidence in an attempt to establish continuous residence and continuous physical presence in the United States during the qualifying period. However, the applicant fails to submit any evidence in an attempt to establish his 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 non-probative evidence. 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 decisions of the AAO are affirmed.