

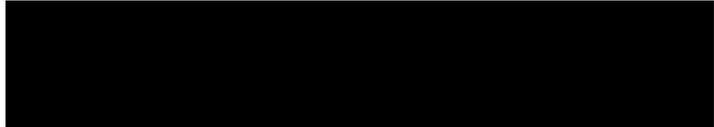
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MAR 05 2007

FILE: [REDACTED]
[WAC 05 049 73032]

Office: CALIFORNIA SERVICE CENTER

Date:

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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal 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 record reveals that the applicant filed her initial TPS application on April 2, 2003, under Citizenship and Immigration Services (CIS) receipt number SRC 03 127 53750. The Director, Texas Service Center, denied that application on June 23, 2003, because the applicant failed to establish her eligibility to file for late initial registration. On July 10, 2003, the applicant filed an appeal from the denial decision. The Director (now Chief), AAO, dismissed that appeal on July 29, 2004. On September 17, 2004, the applicant filed a motion to reopen the director's decision. The Director, Texas Service Center, denied that motion as untimely filed on October 28, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 18, 2004, and indicated that she was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. On July 29, 2005, the applicant filed an appeal from the denial decision.

Upon review of the record of proceeding, the AAO concurred with the director's conclusion and dismissed the appeal on May 22, 2006.

On motion to reopen, the applicant reasserted her claim of eligibility for TPS but failed to submit any probative evidence in an attempt to establish her qualifying residence in the United States or 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 in an attempt to establish continuous residence and continuous physical presence in the United States during the qualifying period. 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 dated May 22, 2006, is affirmed.