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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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

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FILE:

Office: TEXAS SERVICE CENTER

Date: JUN 02 2010

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the Vermont Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the Vermont Service Center by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). Five motions were filed that have been subsequently dismissed. The matter is again before the AAO on a motion to reopen and motion to reconsider. The motion 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 director denied the application on September 16, 2003, after determining that the applicant had failed to establish his eligibility for late initial registration.

A subsequent appeal from the director's decision was dismissed on November 2, 2004, after the AAO also concluded that the applicant had failed to establish that he was eligible for late registration. A subsequent motion to reopen from the AAO decision was denied on December 16, 2004. On January 27, 2005, the applicant submitted a second motion to reopen which was denied on March 17, 2005. On April 12, 2005, the applicant submitted another motion to reopen that was dismissed by the AAO on April 3, 2006, which determined that in addition to the applicant being ineligible for late initial registration, he had also failed to establish that he had continuously resided in the United States since December 30, 1998, and has been continuously physically present since January 5, 1999. Subsequent motions to reopen were dismissed by the AAO on April 30, 2007 and on September 10, 2007.

It is noted that on November 24, 2004, the applicant filed an application for re-registration under receipt number [REDACTED] that was denied by the Director, California Service Center, on July 23, 2005. The applicant filed an appeal from the denial of this application. On April 3, 2006, the AAO dismissed the appeal to the California Service Center director's determination concerning his re-registration application.

On October 5, 2007, the applicant submitted this motion requesting reconsideration of his initial application.

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 to reconsider must state the reason for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or USCIS policy---[and] must, when filed, also establish that the decision was incorrectly based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

The applicant's motion consists of a statement concerning his claim of residence since December 30, 1998, and physical presence since January 5, 1999, in the United States. The record does not

support his claim. Additionally, the basis for the denial of this application was the applicant's failure to establish his eligibility for late registration. This motion does not address the applicant's eligibility for late registration. As such, the issues on which the underlying decisions were based have 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 and failed to cite precedent decisions supporting a motion to reconsider. Accordingly, the motion to reopen will be dismissed and the previous decision of the AAO will not be disturbed.

ORDER: The motion is dismissed. The previous decisions of the AAO are affirmed.