

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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

PUBLIC COPY

M,
[REDACTED]

FILE:

Office: TEXAS SERVICE CENTER Date: **JUN 25 2010**

IN RE:

Applicant: [REDACTED]

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 office that originally decided your case 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 Chief, Administrative Appeals Office (AAO). Five motions were filed that have been subsequently dismissed by the AAO. The matter is again before the AAO on another motion to reopen and motion to reconsider. The previous decisions of the AAO will be affirmed, and 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 application after determining that the applicant failed to establish her eligibility for late registration.

Upon review of the record of proceeding, the AAO concurred with the director's conclusion and dismissed the appeal on September 13, 2004. The initial motion to reopen was dismissed by the AAO on April 13, 2007¹. On May 3, 2007, the applicant submitted a second motion to reopen which was dismissed by the AAO on January 22, 2008. The applicant submitted a third motion to reopen on February 16, 2008. The AAO dismissed that motion on July 22, 2008. The applicant submitted a fourth motion to reopen and motion to reconsider that was dismissed on March 5, 2010.

On the current motion to reopen, the applicant states that she has been in the United States since 1998 and has provided all of the requested evidence. The applicant also submits non-probatative evidence in an attempt to establish continuous residence and continuous physical presence in the United States during the qualifying period, but fails to submit any evidence in an attempt to establish 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 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 Service policy ... [and] must, when filed, also establish that the decision was incorrect 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).

¹ It is noted that the applicant filed a second Form I-821, Application for Temporary Protected Status, on December 24, 2004, under receipt number [REDACTED] and indicated she was re-registering for TPS. The Director, California Service Center, 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 re-register for TPS. An appeal from that decision was also dismissed by the AAO on April 13, 2007.

The applicant's motion consists of a statement from the applicant and submission of non- probative evidence. 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 as the issue presented on motion fails to contain new facts to be proved and fails to cite precedent decisions supporting a motion to reconsider. Therefore, the motion will be dismissed and the previous decisions of the AAO will not be disturbed.

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