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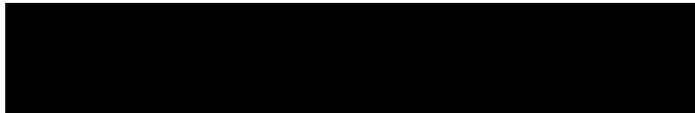
Office: TEXAS SERVICE CENTER

Date: **DEC 23 2005**

[SRC 03 196 55691]

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, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The previous decision of the AAO will be affirmed and the motion to reopen will be dismissed.

The applicant is a native and citizen of Nicaragua who is applying for 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 because the applicant failed to establish that he was eligible for late registration. The director noted that the applicant had failed to submit a copy of his birth certificate with an English translation.

The appeal from the director's decision was dismissed after the Director of the AAO who also concluded that the applicant had failed to establish his eligibility for late registration and had failed to submit a photocopy of his birth certificate with English translation. The Director of the AAO also determined the applicant had failed to establish his qualifying continuous residence and continuous physical presence during the requisite time periods.

On motion to reopen, the applicant submits a copy of his birth certificate accompanied by an English translation overcoming that reason for denial. The applicant reasserts his claim of eligibility for TPS and submits evidence in an attempt to establish his qualifying residence in the United States.

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).

On motion, the applicant submits various money order receipts, department store, fast food and supermarket receipts which do not bear his name. Therefore, this documentation is of no probative value. He also submits documents showing his name that are dated from June 20, 2003 through early 2005 that do not enhance his claim to having resided in the United States since December 30, 1998 and having been continuously physically present in the United States since January 5, 1999.

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 October 28, 2004, dismissing the appeal, is affirmed.