

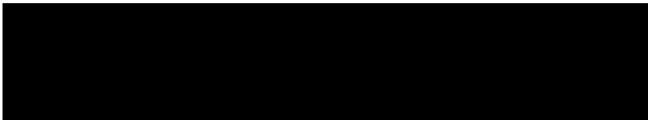
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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
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U.S. Citizenship
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FILE: [REDACTED] Office: Texas Service Center Date: **JUL 05 2007**
[WAC 07 016 50432 - Motion] [SRC 04 032 53980]

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:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

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

Robert P. Wiemann, Chief
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. The matter is now before the Administrative Appeals Office (AAO) on a motion to reopen. The motion to reopen will be dismissed.

The applicant is a citizen of Honduras 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 record reveals that the applicant filed her initial TPS application, on November 13, 2003, subsequent to the initial registration period, under CIS receipt number SRC 04 032 53980. The Director, Texas Service Center, denied that application on February 11, 2004, because the applicant failed to establish eligibility for late initial registration for TPS. The record reflects that a subsequent appeal to the AAO was dismissed on October 3, 2006, after the AAO Chief also determined that the applicant had failed to establish eligibility for late initial registration for TPS. The applicant filed this motion to reopen the AAO decision.

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).

The applicant's motion to reopen consists only of a statement that she had been in the United States since 1997, and she would like her case reopened to give her an opportunity to be legal in this country. With the motion, the applicant submits receipts and documents in an attempt to establish her continuous residence and her continuous physical presence in the United States. There was no documentation relating to applicant's late initial registration. The primary basis for the denial of the application and the appeal was the applicant's failure to file her Application for Temporary Protected Status within the initial registration period or to establish her eligibility for late registration for TPS. The motion does not address the applicant's eligibility to file for late initial registration for TPS. As such, the issues on which the underlying decisions were based have not been addressed or 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 decisions of the AAO. Accordingly, the motion to reopen will be dismissed and the previous decisions of the AAO will not be disturbed.

ORDER: The motion to reopen is dismissed. The previous decision of the AAO dated October 3, 2006, is affirmed.