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FILE: [REDACTED] Office: California Service Center  
[WAC 07 025 50081, as it relates to WAC 05 126 80547]

Date: **JUL 05 2007**

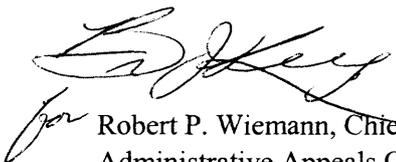
IN RE: Applicant: [REDACTED]

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 office that originally decided your case. Any further inquiry must be made to that office.

  
for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California 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 the current Form I-821, Application for Temporary Protected Status, on February 3, 2005, under CIS receipt number WAC 05 126 80547, and indicated that she was re-registering for TPS. The Director, California Service Center, denied the re-registration application on July 23, 2005, as the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. A subsequent appeal to the AAO was dismissed on October 3, 2006. The AAO Director concurred with the decision of the California Service Center Director, and dismissed the appeal, noting that the applicant failed to establish her eligibility for late initial registration. 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 re-registration or 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.