



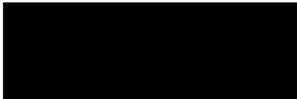
U.S. Citizenship
and Immigration
Services

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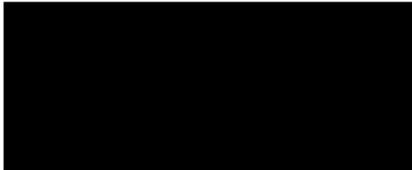


OFFICE: NEBRASKA SERVICE CENTER

DATE: OCT 05 2007

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.

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be dismissed, and the previous decision 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 January 14, 2003, after determining that the applicant had failed to submit sufficient evidence to establish: (1) her date of entry into the United States; (2) that she had continuously resided in the United States since December 30, 1998, and had been continuously physically present since January 5, 1999; (3) her nationality and identity; and (4) that she was eligible for late initial registration.

The applicant appealed the director's decision to the AAO on February 10, 2003. The AAO reviewed the record of proceeding and noted that although the applicant subsequently furnished additional evidence of her residence and physical presence and a copy of her El Salvadoran passport, the applicant had failed to submit any evidence to establish her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The AAO, therefore, dismissed the appeal on April 17, 2003.

On May 15, 2003, the applicant filed a motion to reconsider her case. She states that she did not apply during the initial registration period due to her physical and health conditions, and also she did not have any financial resources to pay the fees for the application. The applicant submits additional evidence in an attempt to establish her qualifying residence in the United States.

A motion to reconsider must state the reasons 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. A motion to reconsider a decision on an application or petition 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 consists of documentation relating to her claim of continuous residence and continuous physical presence in the United States during the requisite period. The primary basis for the decisions was the applicant's failure to file her TPS application within the initial registration period, or to establish her eligibility for late registration described in 8 C.F.R. § 244.2(f)(2). The motion does not address the applicant's eligibility for late registration.

The applicant failed to establish that the decision was incorrect based on the evidence of record at the time of the initial decision. Nor did the applicant support her motion by any pertinent precedent decision(s) to establish that the director's and the AAO's decisions were based on an incorrect application of law or Service policy. The motion, therefore, does not meet the criteria for a motion to reconsider.

Accordingly, the motion will be dismissed, and the previous decision of the AAO will be affirmed.

It is noted that the record of proceeding contains the Federal Bureau of Investigation fingerprint results report and Form I-862, Notice to Appear, indicating that on November 10, 2001, the applicant was placed in removal proceedings, based on the applicant's entry into the United States without inspection on or about August 20, 1997.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

ORDER: The motion is dismissed. The decision of the AAO dated April 17, 2003, is affirmed.