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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: **AUG 13 2008**

[SRC 03 187 54407]

[EAC 08 143 53165 – Motion]

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 Vermont Service Center. Any further inquiry must be made to that office.

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

for 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 (AAO). The applicant filed a motion to reopen that was subsequently dismissed by the AAO. The matter is again before the AAO on a second motion to reopen. The previous decision 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 record reveals that the applicant filed his initial TPS application on June 23, 2003, under Citizenship and Immigration Services (CIS) receipt number SRC 03 187 54407. The Director, Texas Service Center, denied that application on January 15, 2004, because the applicant failed to establish his eligibility to file for late initial registration. On February 9, 2004, the applicant filed an appeal from the denial decision. The Director (now Chief), AAO, dismissed that appeal on September 2, 2005. On October 24, 2005, the applicant filed a motion to reopen. The AAO dismissed that motion on May 3, 2007.¹

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 23, 2004, and indicated that he was re-registering for TPS. The Director, California Service Center, denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed an appeal on August 3, 2005.

Upon review of the record of proceeding, the AAO concurred with the director's conclusion and dismissed the appeal on May 3, 2007. On May 31, 2007, the applicant filed another motion to reopen. The AAO dismissed this motion on December 28, 2007. On January 28, 2008, the applicant filed another motion to reopen.²

On motion to reopen, the applicant reasserted his claim of eligibility for TPS but failed to submit any probative evidence in an attempt to establish his 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 that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

The applicant's motion to reopen consists of a statement from the applicant and submission of non-probative evidence previously provided. As such, the issue on which the underlying decisions were based has not been overcome on motion.

¹ Prior to the AAO's decision, the California service Center Director also issued a decision dismissing the motion on March 3, 2006; however, jurisdiction of the motion rested with the AAO.

² The California Service Center again issued a decision dismissing the motion on March 18, 2008; however, again, jurisdiction of the motion rested with the AAO.

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 December 28, 2007, is affirmed.