

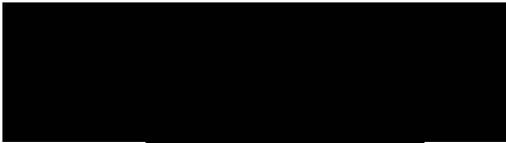
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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: TEXAS SERVICE CENTER

Date:

JUL 08 2008

[SRC 05071 51489, motion]

[SRC 02 186 52860]

INRE:

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

1/ Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center (TSC). A subsequent appeal was dismissed by the Chief, of the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. 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 TSC Director denied the application on August 13, 2002, because the applicant had **failed** to establish he was eligible for late registration. A subsequent appeal was dismissed by the Director (now Chief) of the AAO on March 12, 2003. A motion to reopen was denied by the TSC Director on September 24, 2003. A subsequent motion to reopen was dismissed by the AAO Director on December 15, 2004. On this motion, the applicant reasserts his claim of eligibility for TPS.

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 current motion does not address the applicant's eligibility for late initial registration. As such, the threshold issue on which the underlying decisions were based **has** not been 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 decision(s) 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 decisions of the AAO affirming the denial of the initial application are affirmed.