



U.S. Citizenship
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Services

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JUL 28 2008

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 05 136 70453]
[EAC 08 153 54473 - MOTION]

Date:

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.

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 (AAO). The applicant filed a motion to reopen that was subsequently dismissed by the AAO. The applicant filed a second motion to reopen that was also dismissed by the AAO. The matter is again before the AAO on another motion to reopen. The previous decision of the AAO will be affirmed, and the motion will be dismissed.

The applicant is a 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 because the applicant failed to establish her continuous residence and continuous physical presence in the United States during the qualifying period.

On June 19, 2006, the applicant filed an appeal from the denial decision. The Director (now Chief), AAO, dismissed that appeal on March 5, 2007. On April 2, 2007, the applicant filed a motion from the denial decision. The Director, AAO, dismissed that motion on November 14, 2007. On December 5, 2007, the applicant filed another motion to reopen the director's decision. The Director, AAO, dismissed that motion on April 2, 2008. On May 5, 2008, the applicant filed the present motion to reopen.

In the present motion to reopen, the applicant states that she has been in the United States since 1998 and has provided all of the requested evidence. The applicant fails to submit sufficient probative evidence in an attempt to establish her qualifying residence in the United States.

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. As such, the 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 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 is affirmed.