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**U.S. Citizenship
and Immigration
Services**

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FILE:

Office: TEXAS SERVICE CENTER

Date:

SEP 1 8 2008

[SRC 04 2090553695

[WAC 05 213 52263 – MOTION]

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.

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

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 matter is now before the AAO on a motion to reopen. The motion to reopen 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 after determining that the applicant failed to establish her eligibility for late initial registration and her qualifying continuous physical presence in the United States during the requisite period. The director also determined that the applicant failed to provide a copy of her current driver's license and a copy of her original birth certificate, with English translation

Upon review of the record of proceeding, the AAO determined that the applicant had provided proof of her nationality and identity, but had failed to establish her continuous residence in the United States during the requisite period. The AAO otherwise concurred with the director's conclusion and dismissed the appeal on June 26, 2005.

On motion to reopen, the applicant reasserted her claim of eligibility for TPS and states that she has been in the United States since 1997 and has provided all of the requested evidence. However, the applicant failed to submit any probative evidence in an attempt to establish her qualifying residence in the United States or her 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. 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.