

PUBLIC COPY

identifying item deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



MI

FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: **APR 02 2009**
[SRC 03 200 55233]
[EAC 08 255 51507 – 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the Chief, Administrative Appeals Office (AAO). The applicant filed a motion to reopen that was subsequently dismissed by the AAO. A second and third motion to reopen were filed by the applicant and 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 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 registration

Upon review of the record of proceeding, the AAO concurred with the director's conclusion and dismissed the appeal on September 13, 2004. The applicant submitted a motion to reopen the director's decision on November 10, 2004. That motion was dismissed by the AAO on April 13, 2007¹. On May 3, 2007, the applicant submitted a second motion to reopen which was dismissed by the AAO on January 22, 2008. The applicant submitted a third motion to reopen on February 16, 2008. The AAO dismissed that motion on July 22, 2008. The applicant has now submitted a fourth motion to reopen.

On 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 also submits non probative evidence in an attempt to establish continuous residence and continuous physical presence in the United States during the qualifying period but fails to submit any evidence in an attempt to establish 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 issues on which the underlying decisions were based have 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

¹ It is noted that the applicant filed a second Form I-821, Application for Temporary Protected Status, on December 24, 2004, under receipt number WAC 05 224 50840, and indicated she was re-registering for TPS. The Director, California Service Center, denied the re-registration application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS. An appeal from that decision was also dismissed by the AAO on April 13, 2007.

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.