

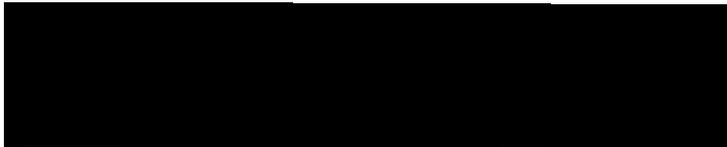
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090
**U.S. Citizenship
and Immigration
Services**



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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: JUL 06 2009
[SRC 03 131 54946]
[EAC 09 064 52105, I-290B]

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, California 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. 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 her initial TPS application on April 8, 2003, under receipt number SRC 03 131 54946. The Director, Texas Service Center, denied that application on June 14, 2003. On July 14, 2003, the applicant filed an appeal from the denial decision. The AAO determined that the director's decision did not clearly indicate the specific basis for the denial. Therefore, on January 25, 2008, the case was remanded for the issuance of a new decision that set forth the specific reasons for the denial. No final decision was rendered. The AAO therefore, reopened the initial application *sua sponte* and rendered a decision dismissing the application on December 2, 2008 because the applicant had not established eligibility for late initial registration and had not established continuous residence in the United States since December 30, 1998 and continuous physical presence from January 5, 1999 to the filing date of the initial TPS application. On March 6, 2008, the applicant filed a motion to reopen the January 25, 2008 AAO decision. That motion was dismissed on December 2, 2008.

On December 29, 2008, the applicant filed the current motion to reopen the December 2, 2008 decision and stated that she has been in the United States since 1992 and has provided all of the requested evidence. The applicant also submits evidence in an attempt to establish continuous residence and continuous physical presence in the United States during the qualifying period.

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.