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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  
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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: **MAR 05 2010**  
[SRC 04 110 53453]  
[EAC 09 024 50223-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 or reopen, as required by 8 C.F.R. §103.5(a)(1)(i).

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). A motion was filed that has been subsequently dismissed by the AAO. The matter is again before the AAO on a second motion to reopen and motion to reconsider. The previous decisions of the AAO will be affirmed, and the motion will be dismissed.

The applicant claims to be 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: 1) establish that she was eligible for late registration; 2) establish her continuous residence and physical presence in the United States during the requisite time periods; and 3) submit photo identification or any national identity documentation from her country of origin bearing a photograph and/or fingerprint as well as a copy of her current driver's license.

The AAO, in dismissing the appeal on August 4, 2005, concurred with the director's findings that the applicant had failed to establish she was eligible for late registration and failed to establish continuous residence and physical presence during the requisite periods. The initial motion to reopen was dismissed by the AAO on October 2, 2008, as the issue on which the underlying decision was based had not been overcome on motion.

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 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).

On the current motion, the applicant submits miscellaneous receipts that have no probative value or evidentiary weight as they do not list the applicant's name. The remaining documents only serve to establish the applicant's presence and residence in the United States since December 27, 2002, and are not sufficient to establish that she satisfies the residence and physical presence requirements described in 8 C.F.R. §§ 244.2(b) and (c). The applicant fails to submit any evidence to establish her eligibility for late registration. Once again, the late registration issue on which the underlying decisions were primarily 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 and failed to cite precedent decisions supporting a motion to reconsider. Accordingly, the motion to reopen and motion to reconsider will be dismissed and the previous decisions of the AAO will not be disturbed.

**ORDER:** The motion is dismissed. The previous decisions of the AAO are affirmed.