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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
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U.S. Citizenship  
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[REDACTED]

FILE:

Office: TEXAS SERVICE CENTER

Date: **MAR 05 2010**

[REDACTED]  
[SRC 03 200 55233]  
[EAC 09 176 50737-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). Four motions were filed that have been subsequently dismissed by the AAO. The matter is again before the AAO on a 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, Texas Service Center, denied the application because the applicant failed to establish that she was eligible for late registration.

The AAO, in dismissing the appeal on September 13, 2004, concurred with the director's findings that the applicant had failed to establish she was eligible for late registration. The initial motion to reopen was dismissed by the AAO on April 13, 2007, pursuant to 8 C.F.R. § 103.5(a)(1)(i) as the motion was untimely filed.<sup>1</sup> The second and third motions to reopen were dismissed by the AAO on January 22, 2008, and July 22, 2008, as the issue on which the underlying decision was based had not been overcome on motion. The fourth motion to reopen and motion to reconsider was dismissed by the AAO on April 2, 2009, 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 the same non-probative evidence that was previously provided on appeal and on earlier motions along with a statement requesting that she be considered for late registration. Once again, 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

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<sup>1</sup> The applicant filed a second TPS application (WAC 05 224 50840) on December 24, 2004, and indicated she was re-registering for TPS. The Director, California Service Center, denied the re-registration application on July 23, 2005, as 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 dismissed by the AAO on April 13, 2007.

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.