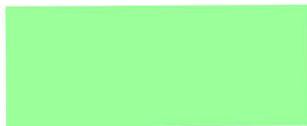




U.S. Citizenship
and Immigration
Services

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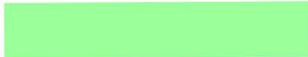
Office: CALIFORNIA SERVICE CENTER

FILE:



JUN 20 2013

IN RE: Applicant:



APPLICATION: Application for Temporary Protected Status under Section 244 of the
Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

for Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center. A subsequent appeal was summarily dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be dismissed.

The applicant claims to be a citizen of Haiti 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 establish she was eligible for late registration. On March 7, 2013, the AAO summarily dismissed the appeal as the applicant had failed to provide any evidence to overcome the director's finding and failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

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).

On motion, the applicant asserts that she had previously filed a Form I-821, Application for Temporary Protected Status, on March 26, 2010; however, it was rejected and was resubmitted within the allotted time period. The applicant submits copies of Form I-797C (Rejection Notice) in an attempt to support her claim.

The applicant's assertion is not supported by the record. USCIS rejected the initial Form I-821 on March 30, 2010. The Form I-821 and Form I-765, Application for Employment Authorization, were received over six months later on September 20, 2010. Both applications were again rejected on September 29, 2010. Pursuant to 8 C.F.R. §103.2(a)(7)(iii) rejected applications cannot retain a filing date.

A review of the evidence that the applicant submits on motion reveals no fact that could be considered "new" under 8 C.F.R. § 103.5(a)(2). As such, the issue on which the denial of the application and the dismissal of the appeal were based has not been overcome on motion. The motion to reopen will be dismissed.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not sustained that burden. The previous decisions of the director and the AAO will not be disturbed.

ORDER: The motion is dismissed. The previous decision of the AAO dated March 7, 2013, is affirmed.