

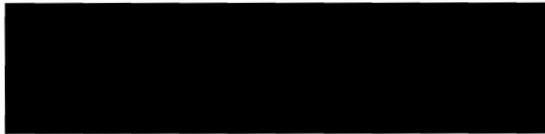
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: NOV 20 2006
XVN 87 068 03027

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a.

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 office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The termination of temporary resident status by the California Service Center, is before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director terminated the applicant's temporary resident status because the applicant had been convicted of a felony in the United States.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) Meaning of affected party. For purposes of this section and §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

Improperly filed appeal – (A) Appeal filed by person or entity not entitled to file it – (1) Rejection without refund of filing fee. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

In the instant case, there is no Form G-28, Entry of Appearance as Attorney or Representative on file. As such, counsel, [REDACTED], who has filed the Form I-694, Notice of Appeal, has no standing in this proceeding.

Accordingly, pursuant to 8 C.F.R. § 292.4(a), the AAO sought to clarify whether [REDACTED] is authorized to represent the applicant in this proceeding. On October 23, 2006, the AAO telephoned counsel's office requesting that a properly executed Form G-28 be submitted. To date, however, a properly executed Form G-28 has not been submitted to the AAO. Accordingly, there is no evidence that [REDACTED] is authorized to represent the applicant in this proceeding and to file a Form I-694 on behalf of the applicant. As there is nothing in the record that demonstrates that [REDACTED] is the applicant's representative and therefore acting on behalf of a recognized party, counsel is **not authorized** to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). As the appeal was not properly file, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.