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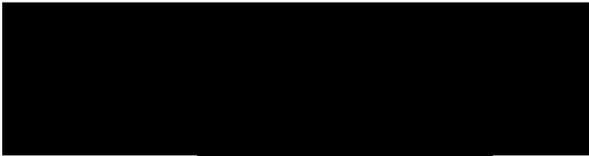
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, D.C. 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:

XVN 88 048 01023

Office: CALIFORNIA SERVICE CENTER

Date: NOV 13 2007

IN RE:

Applicant:



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. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wienmann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director determined that the applicant had been convicted of a felony and of a crime relating to a controlled substance and therefore was statutorily ineligible to adjust to temporary resident status. Accordingly, the director denied the application for adjustment of status.

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.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. [REDACTED] who identified herself as the applicant's friend, signed the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act. The record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing [REDACTED] to act on behalf of the applicant, and [REDACTED] is not recognized as an authorized or accredited representative pursuant to 8 C.F.R. § 292.1(a). The appeal has not been filed by the applicant, or by any entity with legal standing in the proceeding. Therefore, the appeal has not been properly filed and must be rejected.

**ORDER:** The appeal is rejected.