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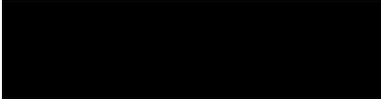
U.S. Citizenship  
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FILE:  OFFICE: CALIFORNIA SERVICE CENTER DATE: JUL 01 2005

IN RE: Applicant: 

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

Robert P. Wiemann, Director  
Administrative Appeals Office

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

The applicant claims to be a native and citizen of El Salvador 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 had been convicted of possession of a narcotic controlled substance, a felony offense.

"Affected Party" means the person or entity with legal standing in a proceeding. 8 C.F.R. § 103.3(a)(1)(iii)(B).

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 which has been accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v).

In this case, the appeal was signed and filed by [REDACTED], a person other than the applicant, whose standing in this matter has not been demonstrated by the filing of a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28). Further, [REDACTED] neither identified himself nor indicated if he is an attorney or representative, authorized to represent the applicant. Furthermore, the appeal was not signed by the applicant. Therefore, the appeal will be rejected for this reason.

Furthermore, an appeal that is not filed within the time allowed must be rejected as improperly filed. In such a case, any filing fee accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(B)(1).

Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. 8 C.F.R. § 103.5a(b).

The director's decision of denial, dated March 24, 2003, clearly advised the applicant that any appeal must be properly filed within thirty days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). Coupled with three days for mailing, the appeal, in this case, should have been filed on or before April 28, 2003. The appeal was received at the California Service Center on May 5, 2003.

Based upon the applicant's failure to file a timely appeal, the appeal will also be rejected for this reason.

The applicant's felony conviction of possession of a narcotic controlled substance renders him ineligible for TPS under section 244(c)(2)(B)(i) of the Act, and inadmissible to the United States under section 212(a)(2)(A)(i)(II) of the Act. It is noted that the applicant, under the name of [REDACTED] was also convicted on March 5, 2001, in the Superior Court of California, County of Alameda, Case No. [REDACTED] of possession of burglary tools, 466 PC, a misdemeanor.

It is further noted that on April 10, 2001, the Immigration Judge administratively closed removal proceedings based on the filing of a TPS application by the applicant.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The appeal is rejected.