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**U.S. Citizenship
and Immigration
Services**

MM

FILE:

[REDACTED]
[EAC 02 293 53143]

Office: VERMONT SERVICE CENTER

Date: **SEP 06 2005**

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

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

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

The applicant claims to be a 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 failed to establish that he had continuously resided in the United States since February 13, 2001, and had been continuously physically present in the United States since March 9, 2001.

"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 filed by [REDACTED]. However, there is no Form G-28, Notice of Entry of Appearance as Attorney or Representative, contained in the record of proceeding to establish that [REDACTED] is authorized by the applicant to represent him in this matter, or that [REDACTED] is authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant in immigration proceedings. Therefore, the appeal will be rejected as improperly filed.

It is noted that the record does contain a Form G-28, dated July 31, 2003, filed on the applicant's behalf by [REDACTED] BSLPS, who indicates that she is a paralegal representative [REDACTED]. [REDACTED] has also failed to establish that she is qualified to represent the applicant under the provisions of 8 C.F.R. § 292.1 or 292.2. Therefore, the applicant is considered to be self-represented in this matter and the decision will be furnished only to 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.