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FILE:

[EAC 03 080 54035]

OFFICE: VERMONT SERVICE CENTER

DATE: **JAN 06 2006**

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, reopened and denied again by the Director, Vermont Service Center. The director subsequently reopened the matter and denied the application a third time. The matter is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant is 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 initially denied the application on August 12, 2003, because the applicant failed to establish her eligibility for late registration, her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001.

On September 17, 2003, the applicant filed an appeal from the denial decision.

On June 28, 2004, the director rejected the appeal because it was untimely filed, but accepted it as a motion to reopen. The director denied the application again because the applicant failed to establish her eligibility for late initial registration and her qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

The applicant filed an appeal from the second denial decision on July 27, 2004.

On September 10, 2004, the director rejected the appeal because the appeal was not filed by the applicant, but by an individual who is not authorized to represent the applicant because she failed to submit a Form G-28, Notice of Entry of Appearance as Attorney or Representative. The director accepted the appeal as a motion to reopen and denied the application for a third time because the applicant failed to establish her eligibility for late initial registration.

On October 12, 2004, the applicant filed the current appeal.

The applicant appears to be represented; however, the record does not contain Form G-28, Notice of Entry of Appearance as Attorney or Representative. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

"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 [REDACTED] who indicates that she is an attorney representing the applicant in this proceeding. However, as stated above, [REDACTED] cannot be recognized as having legal standing in the proceeding because she has failed to submit a Form G-28. Therefore, the appeal will be rejected.

An alien applying for Temporary Protected Status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant failed to meet this burden.

**ORDER:** The appeal is rejected.