U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

PUBLIC COPY

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Citizenship and Immigration Services

M1

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: MAR 27 2006
[WAC 05 057 73593]

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.

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 is a citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed her initial TPS application on June 18, 2003, under CIS receipt number SRC 03 184 55559. The director denied that application on September 11, 2003, due to abandonment. On October 29, 2003, the applicant filed a motion to reopen. The director dismissed the motion to reopen her application on November 6, 2003, because the motion was filed after the requisite 33-day period.

On July 9, 2004, the applicant filed a subsequent TPS application (SRC 04 202 55342). The director denied that application on September 15, 2004, because the applicant failed to establish her eligibility for TPS late registration.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, on November 26, 2004, and indicated that she was re-registering for TPS. The director denied the instant re-registration application because the applicant's previous TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant appears to be represented by a notary; however, the record does not contain Form G-28, Notice of Entry of Appearance as Attorney or Representative, from

"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 b indicates that she is representing the applicant on appeal. However, as stated above, cannot be recognized as having legal standing in the proceeding. Therefore, the appeal will be rejected.

It is also noted that the applicant did not sign the Form I-290B, Notice of Appeal to the Administrative Appeals Unit (AAU).

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.

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.