



U.S. Citizenship
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Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: OCT 03 2006

[EAC 01 204 53181]

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, Chief
Administrative Appeals Office

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

The applicant is stated 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 failed to provide court dispositions for all of his arrests.

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 by [REDACTED]. [REDACTED] indicates that he is the representative for the applicant; however, as stated above, [REDACTED] cannot be recognized as having legal standing in the proceeding. Therefore, the appeal will be rejected.

It is noted that from the FBI printout, it appears that the applicant was arrested on at least four separate occasions. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). On July 19, 2000, August 6, 2000, and August 27, 2000, the applicant was arrested for prostitution, misdemeanor offenses. On January 19, 2006, the applicant was arrested for engaging in/soliciting for prostitution with AIDS, a felony offense. Since the actual court dispositions for all these offenses were not provided, the outcome of these charges is unknown. CIS must address these arrests and any convictions in any future proceedings.

Additionally, it is noted that the applicant, under alien registration number [REDACTED] was granted voluntary departure by an Immigration Judge on January 27, 1997. The applicant failed to depart the United States and a Warrant of Deportation was issued on March 5, 1997. The applicant did not appear for his enforced departure on November 6, 1997.

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.