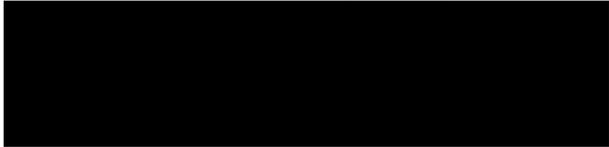




U.S. Citizenship  
and Immigration  
Services

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identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAR 09 2007  
[WAC 05 104 75742]

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, Chief  
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 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 an initial TPS application with the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS), during the initial registration period under receipt number WAC 99 157 53204. The application was approved on March 31, 2000.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 12, 2005, and indicated that he was applying for re-registration. The applicant's 2005 Federal Bureau of Investigation (FBI) fingerprint results report revealed that the applicant was arrested in Norwalk, California, on March 29, 2002, and charged with driving under the influence of alcohol with a blood alcohol content of 0.08% or greater. On March 23, 2005, the applicant was requested to provide the final court disposition of this arrest. The applicant, in response, submitted a letter dated August 30, 2002, from the Los Angeles Traffic Court, Los Angeles, California, indicating that the applicant had enrolled in the required Drinking Driver Program AB762 on April 22, 2002. The applicant also submitted a Notice of Completion Certificate indicating that he completed the Drinking Driver Program on October 28, 2002. However, the applicant did not provide the final court disposition of his arrest.

The director denied the application on July 25, 2005, because he found that the applicant had failed to submit requested court documentation relating to his criminal record.

Although the record contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, signed by [REDACTED] who indicates that he is an attorney representing the applicant in this matter, the Form G-28 is not properly executed because it has not been signed by the applicant. Nor has the Form I-290B, Notice of Appeal to the Administrative Appeals Unit (AAU), been signed by the applicant. 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], indicates that he is the applicant's attorney. However, as stated above, [REDACTED] cannot be recognized as having legal standing in the proceeding since the applicant has not signed the Form G-28 or the Form I-290B authorizing [REDACTED] to represent him in this matter. 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.