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U.S. Citizenship
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OCT 03 2007

[REDACTED]

FILE:

[REDACTED]

OFFICE: VERMONT SERVICE CENTER

DATE:

[EAC 06 239 51522]

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, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant claims 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 establish that he was eligible for late registration. The director also found that the applicant had failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

The applicant appears to be represented; however, the record does not contain Form G-28, Notice of Entry of Appearance as Attorney or Representative. It is also noted that neither the individual named nor the organization which appears on the Notice of Appeal, Form I-290B, appear to be authorized under 8 C.F.R. § 292.1 or 292.2 to represent 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, [REDACTED] who indicates that she is an associate pastor of the Place of Refugee, filed the appeal. However, as stated above, neither [REDACTED] nor the Place of Refugee can be recognized as having legal standing in the proceeding. Therefore, the appeal will be rejected.

It is noted that the applicant admits in his Application for Temporary Protective Status, Form I-821, Part 2, to entering the United States on October 2, 2004. Therefore, the applicant is statutorily ineligible for TPS because he is unable to establish his continuous residence since February 13, 2001, and his continuous physical presence since March 9, 2001, in the United States as is required in 8 C.F.R. § 244.2(b) and (c).

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.