



U.S. Citizenship
and Immigration
Services

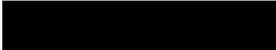
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FILE:



Office: VERMONT SERVICE CENTER

Date: **JAN 05 2006**

[EAC 04 081 54312]

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 by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a 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 had continuously resided in the United States since February 13, 2001, and had been continuously physically present in the United States since March 9, 2001. The director also found that the applicant had failed to establish his eligibility for late registration.

There is a Form G-28, Notice of Entry of Appearance as Attorney or Representative, dated October 6, 2004, contained in the record of proceeding that is signed [REDACTED] a multi-service representative associated with the Spanish Community Progress Foundation, Inc., Yonkers, New York. However, neither [REDACTED] the Spanish Community Progress Foundation, Inc. is authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the Form G-28 cannot be considered as properly filed, and the applicant must 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 that has been accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v).

In this case, the Form I-290B, Notice of Appeal, was filed by [REDACTED] and does not contain the applicant's signature. However, as previously indicated, [REDACTED] has no standing in this matter. Therefore, the appeal will be rejected as improperly filed.

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.