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U.S. Citizenship
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Services

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FILE:



XHL 88 057 01006

Office: TEXAS SERVICE CENTER

Date:

JUN 05 2007

IN RE:

Applicant:



APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1160.

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The termination of temporary resident status as a special agricultural worker by the Director, Western Service Center is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director terminated the applicant's temporary resident status because he failed to submit the requested court dispositions pertaining to his criminal history in the United States.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) Meaning of affected party. For purposes of this section and §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

Improperly filed appeal – (A) Appeal filed by person or entity not entitled to file it – (1) Rejection without refund of filing fee. 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 the Service has accepted will not be refunded.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. The Form I-694, Notice of Appeal to the Administrative Appeals Unit, is signed by the applicant's cousin. The record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing the cousin to act on behalf of the applicant. As the appeal has not been filed by the applicant, or by any entity with legal standing in the proceeding, the appeal has not been properly filed and must be rejected.

Assuming, arguendo, the appeal had been filed by the applicant or that a Form G-28 had been submitted, the appeal would still be rejected as it was untimely filed. The director issued the Notice of Termination on January 27, 1992, and sent it to the applicant's address of record. The notice was returned by the post office as undeliverable. The record contains no evidence of a change of address prior to the issuance of the director's decision. The Western Service Center received the appeal on November 9, 1992, over nine months after the decision was issued.

ORDER: The appeal is rejected as untimely filed.