



U.S. Citizenship
and Immigration
Services

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MAR 12 2007

FILE:



XDT 88 208 1051

Office: NEBRASKA SERVICE CENTER

Date:

IN RE:

Applicant:



APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The termination of the applicant's temporary resident status by the Director, Nebraska Service Center, is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director terminated the applicant's temporary resident status because the applicant failed to file the application for adjustment of status from temporary to permanent residence within the 43-month application period.

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.

The regulation at 8 C.F.R. § 245a.3(i) states, in pertinent part:

A party affected under this part by an adverse decision is entitled to file an appeal on Form I-694.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. In this case the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act, was signed only by [REDACTED] who identifies herself as a "friend." A friend may represent an alien in proceedings in certain circumstances, but his or her appearance must be filed on the appropriate form before it will be recognized. 8 C.F.R. § 292.4(a). The appeal has not been signed and filed by the applicant, or by any entity with legal standing in the proceeding. Therefore, the appeal has not been properly filed, and must be rejected.

It is noted that the record contains court disposition documents revealing the following criminal convictions:

1. On November 10, 1992, the applicant pled guilty in the 61st Judicial District, Grand Rapids, Michigan, to aggravated assault in violation of section 750.81A of Michigan Criminal Law, a misdemeanor. The applicant was ordered to serve one day in jail, with credit for one day served, and was ordered to pay fines and court costs in the amount of \$440.00. He was also ordered to be confined to jail (in addition to any other jail term imposed) until the fine and court costs were paid, but not to exceed 22 days. Finally, he was placed on probation for twelve months and ordered to complete 50 hours of work crew in lieu of 15 days in jail. (Date of complaint: November 1, 1992; Case Number [REDACTED])
2. On December 4, 1995, the applicant was found guilty in the 61st Judicial District, Grand Rapids, Michigan, of violation of probation. His probation was revoked and

he was ordered to serve 47 days in jail with credit for 47 days served. (Date of Offense: October 15, 1995; Case Number [REDACTED])

3. On November 20, 1996, the applicant pled guilty in the 61st Judicial District, Grand Rapids, Michigan, to creating a disturbance. The applicant was ordered to pay fines and court costs in the amount of \$100. (Case No. [REDACTED])
4. On May 13, 2002, the applicant was arrested in Grand Rapids, Michigan, and charged with domestic violence. The record does not contain any documents reflecting the final court disposition of this arrest.

These offenses must be addressed in any further proceeding before Citizenship and Immigration Services.

ORDER: The appeal is rejected.