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U.S. Citizenship  
and Immigration  
Services



12

FILE:



SRC 95 058 50435

Office: TEXAS SERVICE CENTER

Date:

NOV 13 2006

IN RE:

Applicant:



APPLICATION:

Application for Adjustment from Temporary to Permanent 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. Any further inquiry must be made to that office.

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

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for adjustment from temporary to permanent resident status was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant's application for temporary resident status had not been approved, and he was therefore ineligible for adjustment from temporary to permanent resident status.

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.

In the instant case, there is no Form G-28, Entry of Appearance as Attorney or Representative on file. As such, the notary, [REDACTED], who has filed the Form I-694, Notice of Appeal, has no standing in this proceeding.

Accordingly, pursuant to 8 C.F.R. § 292.4(a), the AAO sought to clarify whether Ms. [REDACTED] is authorized to represent the applicant in this proceeding. On October 3, 2006, a letter was sent to Ms. [REDACTED] requesting that evidence be submitted establishing her eligibility to appear either as an attorney or as an accredited representative of an organization recognized and accredited by the Board of Immigration Appeals. Ms. [REDACTED] was given 15 days in which to submit the requested documentation. To date, however, no correspondence has been presented.

As there is nothing in the record that demonstrates that Ms. [REDACTED] is the applicant's representative and therefore acting on behalf of a recognized party, Ms. [REDACTED] is not authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

**ORDER:** The appeal is rejected.