



U.S. Citizenship
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Services

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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: AUG 01 2006
[WAC 02 236 51924]

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.


for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California 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 had failed to establish that he: (1) had continuously resided in the United States since February 13, 2001; (2) had been continuously physically present in the United States from March 9, 2001, to the date of filing the application; and (3) is a citizen or national of El Salvador.

"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, the appeal was signed and filed by [REDACTED] a person other than the applicant, whose standing in this matter has not been demonstrated by the filing of a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28). Further, [REDACTED] identified himself nor indicated if he is an attorney or representative, authorized to represent the applicant.

Therefore, the appeal will be rejected.

It is noted that the evidence furnished by the applicant to establish his identity and his continuous residence and continuous physical presence in the United States during the requisite period cannot be found to be credible. Specifically:

- (1) the rental agreement dated February 4, 2001, and to commence on that date, was completed on a Monthly Rental Agreement form that shows a revised date "Rev. 10/01;"
- (2) a letter from Northern Nevada Literacy Council dated March 19, 2002, verifying that the applicant was enrolled as an English As Second Language student in their program and had attended classes since May 7, 2002; however, the applicant submitted a "Certificate of Advancement" dated June 28, 2001, prior to the date he was enrolled as a student;
- (3) no claim was ever made by the applicant that he had resided in California, nor is there evidence in the record that he is/or was a resident of California; yet, he submitted a copy of a California Identification Card [REDACTED] issued on January 3, 2001. CIS database indicates that this identification number was issued to another person other than the applicant.

ORDER: The appeal is rejected.