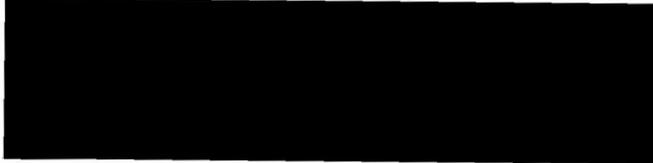




U.S. Citizenship
and Immigration
Services

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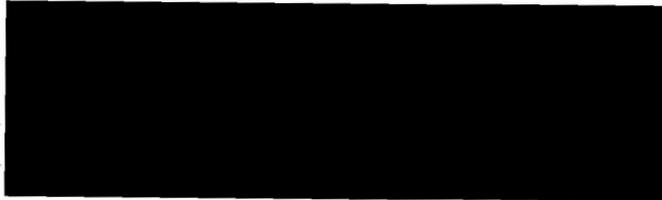
Office: CALIFORNIA SERVICE CENTER

Date: JUL 26 2006

[WAC 05 082 75743]

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.

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 (AAO) on appeal. The appeal will be rejected.

The applicant is a native and citizen of Honduras who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the applicant's application for re-registration, under section 244 of the Act, because the applicant's initial TPS application had been denied.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the company and individual named is not authorized under 8 C.F.R. § 291.1 or 291.2 to represent the applicant. Therefore, the applicant shall 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 which has been accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v).

In this case, the appeal was filed by [REDACTED] of "Imm-Legal Services" in Elizabeth, New Jersey. Ms. [REDACTED] states that "we are non-profit organization helping immigrants; we'll apply for BIA accreditation once our paperwork is complete." However, as stated above, neither Ms. [REDACTED] nor Imm-Legal Services can be recognized as having legal standing in the proceeding. Therefore, the appeal will be rejected.

In addition, the appeal was untimely filed.

An appeal that is not filed within the time allowed must be rejected as improperly filed. In such a case, any filing fee accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(B)(1).

Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. 8 C.F.R. § 103.5a(b).

The director's decision of denial, dated May 23, 2005, clearly advised the applicant that any appeal must be properly filed with the appropriate office within thirty calendar days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). Coupled with three days for mailing, the appeal, in this case, should have been filed on or before June 22, 2005. The appeal was received at the California Service Center on July 13, 2005.

Based upon the applicant's failure to file a timely appeal, the appeal will be rejected for this additional reason.

It is noted that the record indicates that the applicant was arrested on June 12, 1998, for "001 CNT 2C:20-11 SHOPLIFITING." However, the record contains no court disposition of the arrest.

An alien applying for Temporary Protected Status has the burden of proving that he or she meets the requirements enumerated above and is otherwise under the provisions of section 244 of the Act. The applicant failed to meet this burden.

ORDER: The appeal is rejected.