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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

DATE: NOV 26 2013 OFFICE: NEBRASKA SERVICE CENTER FILE: [REDACTED]

IN RE: APPLICANT: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application for Temporary Protected Status was denied by the Director, Nebraska Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

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

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 22, 2013, over 60 days after the expiration of her nonimmigrant status.¹ On February 8, 2013, the director issued a request for evidence (RFE), requesting the applicant to submit evidence to establish her eligibility for TPS during the requisite period. In the RFE, the director delineated the requirements for late initial registration, and to establish the requisite continuous residence and continuous physical presence in the United States. On April 25, 2013, the director denied the application because the applicant failed to establish that she was eligible for late registration for TPS, failed to establish her continuous residence since January 12, 2011, and failed to establish continuous physical presence since July 23, 2011. The director noted that the applicant was admitted as a B-2 non-immigrant on February 25, 2010, and was authorized to remain in the United States until July 18, 2010. However, as noted above, the current application for TPS was not filed until January 22, 2013.²

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.

Reputable Individuals are defined as any reputable individual of good moral character, provided that he has a pre-existing relationship or connection with the person entitled to representation (e.g., as a relative, neighbor, clergyman, business associate or personal friend) provided that such

¹ The applicant indicated that she was filing a new initial application for TPS.

² As noted by the director, the record also reflects that on April 2, 2012, over 60 days after the registration period expired, the applicant filed an initial TPS application which was denied on July 24, 2012, because the applicant failed to establish her eligibility for late initial registration for TPS. The record does not reflect an appeal of that decision.

requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available. 8 C.F.R. § 292.1(3)(iii).

The Form I-290B, Notice of Appeal or Motion, Part 1 (Information about the individual/business/organization filing the appeal), submitted indicates that it is being filed by the applicant. The Form I-290B, however, was not signed by the applicant.

The Form I-290B, Part 4, contains a signatory of the applicant on his behalf by an individual claiming to be the applicant's representative. The Form I-290B was signed by Joseph Desmaret. The record, however, does not contain the required Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing this individual to act on behalf of the applicant. No accompanying evidence, such as a power of attorney or court order, was submitted to establish that this individual has the authority to sign on the behalf of the applicant. Therefore, the individual/business/organization's eligibility is unknown. 8 C.F.R. §§ 103.2(3) and 292.1(a)(4). As the individual's eligibility is unknown, the Form I-290B is not properly filed and will be rejected. 8 C.F.R. §103.3(a)(2)(v)(A)(I). The decision will be furnished only to the applicant at his address of record.

ORDER: The appeal is rejected.