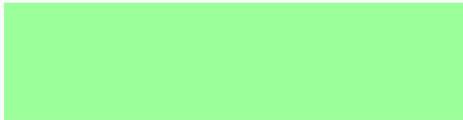




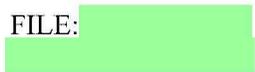
U.S. Citizenship
and Immigration
Services

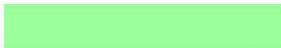
(b)(6)



DATE: **OCT 23 2013**

Office: CALIFORNIA SERVICE CENTER

FILE: 

IN RE: Applicant: 

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.

Thank you,

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

Ron Rosenberg
Chief, 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 claims to be 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 December 3, 2012, and indicated that he was re-registering for TPS or renewal of temporary treatment benefits. The director determined that the applicant was filing a re-registration application and denied the application because the applicant's previous TPS application had been denied on August 16, 2012, and the applicant was not eligible to apply for re-registration for TPS.¹

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.

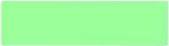
The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

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 accordance with the U.S. Citizenship and Immigration Services regulation at 8 C.F.R. § 292.4(a) as well as the instructions to the Form I-290B, Notice of Appeal or Motion, a new Form G-28, Notice of Entry of Appearance as Attorney or Representative, must be filed with an appeal filed with the AAO. This regulation applies to all appeals and motions filed on or after March 4, 2010. See 75 Fed. Reg. 5225 (February 2, 2010).

The Form I-290B is signed by [REDACTED] who claims to be representing the applicant on appeal. The Form I-290B was received on May 15, 2013, without the required new Form G-28. Pursuant to 8 C.F.R. § 292.4(a), the AAO sought to clarify whether [REDACTED] is authorized to represent the applicant in this proceeding. On September 12, 2013, a facsimile was sent to counsel's office requesting that a new properly executed Form G-28 be sent to the AAO by mail or fax within fifteen (15) calendar days. To date, the requested Form G-28 has not been submitted to the AAO. As there is no evidence that [REDACTED] is authorized to

¹ The applicant's initial TPS application [REDACTED] was received on February 26, 2010 and it was granted on April 29, 2010. On July 23, 2012, the applicant's TPS was withdrawn. No appeal was filed from the decision withdrawing TPS.



represent the applicant in this proceeding and to file a Form I-290B on behalf of the applicant, Mr. Laham is not authorized to file an appeal.

The appeal has not been 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. 8 C.F.R. § 103.3(a)(2)(v)(A)(I). The decision will be only furnished to the applicant.

ORDER: The appeal is rejected