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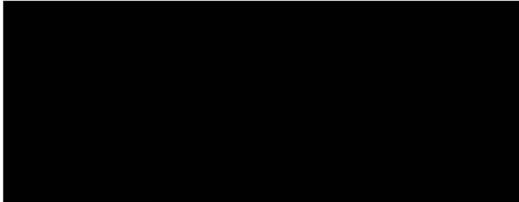
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

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FILE:



XVN 87 023 01042

Office: CALIFORNIA SERVICE CENTER

Date: NOV 28 2006

IN RE:

Applicant:



APPLICATION:

Application for Status as a Temporary 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 termination of temporary resident status by the Director, Western Service Center, is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director terminated the applicant's status because the applicant failed to submit the requested court dispositions pertaining to his criminal history in the United States.

The regulation at 8 C.F.R. § 292.4(a) provides, in part, that “[a] notice of appearance entered in application or petition proceedings must be signed by the obligor to authorize representation in order for the appearance to be recognized by Citizenship and Immigration Services.”

The regulation at 8 C.F.R. § 103.2(a)(1) provides, in part, that “[e]very application, petition, appeal, motion, request ... shall be executed and filed in accordance with the instructions on the form, such instructions ... being hereby incorporated into the particular section of the regulations in this chapter requiring its submission.”

In the instant case, a Form I-694, Notice of Appeal, was prepared by [REDACTED] who claimed to be representing the applicant. [REDACTED] in an unsigned letter, indicated that he was enclosing “an original and two copies of Form I-694 signed by the client and a G-28 Form.”

The Form I-694, Notice of Appeal, which listed [REDACTED] information, did not contain either the applicant's or affiant's signature. Therefore, the appeal has not been properly filed, and must be rejected.

The record also does not contain a Form G-28, Entry of Appearance as Attorney or Representative.

Accordingly, 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 October 23, 2006, the AAO telephoned Mr. [REDACTED] office and requested that a properly executed Form G-28 be submitted. To date, however, a properly executed Form G-28 has not been submitted to the AAO. Accordingly, there is no evidence that Mr. [REDACTED] is authorized to represent the applicant in this proceeding and to file a Form I-694 on behalf of the applicant. As there is nothing in the record that demonstrates that [REDACTED] is the applicant's representative and therefore acting on behalf of a recognized party, he 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.