

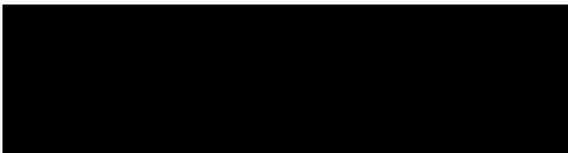
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 05 323 10794

OFFICE: LOS ANGELES

Date: NOV 01 2007

IN RE: APPLICANT: [REDACTED]

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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the Field Office Director, Los Angeles, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

The director determined the applicant had not demonstrated that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that she attempted to file a Form I-687, Application for Status as a Temporary Resident, with the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) in the original legalization application period of May 5, 1987 to May 4, 1988. Therefore, the director determined that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

The regulation at pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2) state the following:

If an appeal is filed by an attorney or representative without a properly executive Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the appeal, the appeal is considered improperly filed.

Additionally, 8 C.F.R. § 245a.3(j) states that the applicant must comply with the process for filing an appeal as specified in 8 C.F.R. § 103.3(a)(1). Accordingly, 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.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. In this matter, although the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act, was signed by the applicant, it was completed by [REDACTED] who claims to be a "community advocate." However, [REDACTED] has not provided a properly executed Form G-28. Therefore, the appeal has not been properly filed, and must be rejected.

As a final note, the statements made on appeal suggest that even if the appeal had been properly filed, it would have been summarily dismissed. See 8 C.F.R. § 103.3(a)(3)(iv). Specifically, in response to the director's denial, which was based on inconsistencies in the applicant's claim, the applicant merely reaffirmed her prior claim, but failed to submit evidence reconciling any of the inconsistencies cited by the director. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. See *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

Nevertheless, the appeal will be rejected based on its improper filing.

ORDER: The appeal is rejected.