

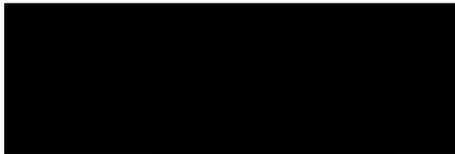
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**U.S. Citizenship  
and Immigration  
Services**

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FILE: [REDACTED]  
MSC-05-192-10236

Office: NEW YORK

Date: **NOV 08 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. The file has 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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. [REDACTED] (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. [REDACTED] C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements) was denied by the District Director, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant did not provide sufficient evidence of continuous residence in the United States during the requisite period. On appeal, the applicant submitted a Form I-694, Notice of Appeal of Decision Under Section 210 or 245A of the INA, signed by [REDACTED] an attorney and member of the New York State Bar. The Form I-694 was not signed by the applicant.

An applicant for temporary resident status may appeal an adverse decision on Form I-694. 8 C.F.R. § 245a.2(o). The applicant may be represented by an attorney or representative in accordance with 8 C.F.R. § 292. 8 C.F.R. § 103.3(a)(1)(iii)(B). The person acting in a representative capacity must be "authorized and qualified to represent," and a notice of appearance must be signed by the applicant to authorize representation in order for the appearance to be recognized by the U.S. Citizenship and Immigration Services (CIS). 8 C.F.R. § 292.4.

Although a Notice of Entry of Appearance as Attorney or Representative (Form G-28) was submitted in this case, it was not signed by [REDACTED]. When an appearance is made by a person acting in a representative capacity, his or her personal appearance or signature shall constitute a representation that he or she is authorized and qualified to represent. 8 C.F.R. § 292.4. Absent [REDACTED] signature on the Form G-28, he is not authorized to represent the applicant on appeal. The AAO notes that several attempts were made to contact [REDACTED] in order to obtain his signature, but there was no response.

The regulations further provide that every application, petition, appeal, motion, request, or other document submitted on the form prescribed by the Department of Homeland Security regulations shall be executed and filed in accordance with the instructions on the form; and the instructions are incorporated into the particular section of the regulations requiring its submission. 8 C.F.R. § 103.2(a)(1). Form I-694 includes the following instruction:

Any Form I-694 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form I-694 is deficient. [An applicant] may correct the deficiency and resubmit the Form I-694.<sup>1</sup>

In this case the Form I-694 is not signed by the applicant, but rather by Theophilus F. Maranga, who, as stated above, has not signed the Form G-28 in the file, and is therefore not authorized to represent the

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<sup>1</sup> Note, however, that a rejected application or petition will not retain a filing date. 8 C.F.R. § 103.2(a)(7). As Form I-694 must be filed within 30 days of the notice of decision, it would not be possible to timely resubmit the Form I-694 in this case.

applicant. As the appeal has not been signed and filed by the applicant or by any authorized representative, the appeal is deficient and has not been properly filed. The appeal, therefore, must be rejected.<sup>2</sup>

**ORDER:** The appeal is rejected.

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<sup>2</sup> The AAO notes that a review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant failed to address the basis for the director's denial and did not present additional evidence. Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). Therefore, even if the appeal had been properly filed, it would have been summarily dismissed.