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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: MSC-05-215-10003 Office: HARTFORD Date: JAN 31 2008

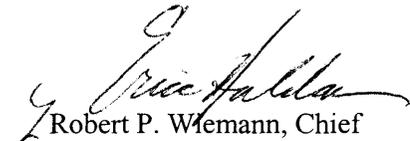
IN RE: Applicant: [Redacted]

APPLICATION: Application for Temporary Resident Status under 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 District Director, Hartford. 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 any evidence to establish his eligibility for the benefit sought. 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 applicant for temporary resident status may appeal an adverse decision on Form I-694. 8 C.F.R. § 245a.2(o). It is noted here that the applicant filed his appeal on Form I-290B, Notice of Appeal to the AAO, pursuant to instructions provided by the director in the Notice of Decision. As the director provided the applicant with the incorrect form, the appeal will not be rejected for this reason.

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.

In this case the Form I-694 is not signed by the applicant, but rather by [REDACTED]. There is no Form G-28, Notice of Entry of Appearance of Attorney or Representative, in the file, however, to indicate that [REDACTED] is an attorney or representative who is authorized to represent the 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.

Furthermore, it is noted that even if the appeal had been properly filed by the applicant or an authorized representative, it would be summarily dismissed. As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

The applicant did not state the reason for appeal or address the grounds for the denial. He simply indicated that he needed 90 additional days to submit more evidence to prove his case. The appeal was submitted on September 8, 2006. As of the date of this filing no additional evidence has been received.

ORDER: The appeal is rejected.