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U.S. Citizenship
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Services

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FILE:

MSC-07-125-10494

Office: DETROIT

Date:

JUL 01 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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 Director, Detroit District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because he found that the applicant failed to meet her burden of proof in establishing that she entered and maintained continuous unlawful residency in the United States during the requisite period.

An applicant for temporary resident status may appeal an adverse decision on Form I-694. 8 C.F.R. § 245a.2(o). The regulations 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-694.¹

In this case, the Form I-694 submitted on January 24, 2008 was not signed by the applicant. The form was signed by an individual named [REDACTED], who identified himself as a notary public and friend of the applicant. It is noted that the AAO sent a notice to [REDACTED] requesting that a copy of Form G-28 Notice of Entry of Appearance as Attorney or Representative, signed by the applicant and Mr. [REDACTED] be submitted to the AAO within five business days. In response to the notice, the AAO received a Form G-28 signed only by an individual named [REDACTED] who identified himself as a family member of the applicant. [REDACTED]'s signature does not appear on the Form I-694 submitted on the applicant's behalf.

More than five business days have passed since the notice was issued by the AAO, and [REDACTED] has failed to submit a Form G-28 signed by himself and the applicant. The documents presented do not establish [REDACTED]'s eligibility to appear either as an attorney or as an accredited representative of an organization recognized and accredited by the Board of Immigration Appeals as defined in 8 C.F.R. §§ 103.2 and 292.1(a)(4). The documents list no location in which [REDACTED] is admitted to the practice of law, nor is he listed on the most recent Roster of Recognized Organizations and Accredited Representatives maintained by the Executive Office for Immigration Review. The procedures for accreditation of organizations and representatives are set forth in 8 C.F.R. § 292.2.

¹ 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, as more than eight months have passed since the decision was issued.

██████████ failed to indicate that he is a law graduate representative pursuant to section 292.1(A)(2) of the Immigration and Nationality Act. According to the regulations at 8 C.F.R. § 292.1(a)(2)(iii), a law graduate may act as a representative if he has filed a statement that he is appearing under the supervision of a licensed attorney or accredited representative and that he is appearing without direct or indirect remuneration from the person that he represents. The record shows that ██████████ has not filed such a statement. Nor has he provided evidence of his eligibility to represent the applicant on some other authorized basis listed in 8 C.F.R. § 292.1. Since the record contains no evidence that ██████████ is eligible to represent the applicant, his representation will not be recognized by the AAO.

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.

ORDER: The appeal is rejected.