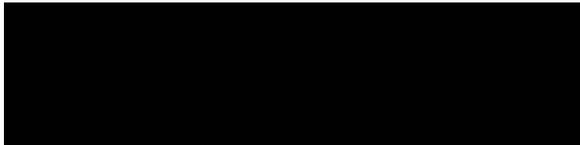


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prevent clearly unwarranted
invasion of personal privacy**



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

PUBLIC COPY



41

FILE:

MSC-06-075-11512

Office: TAMPA

Date:

JUL 23 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.

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. 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, Miami. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director denied the application because she determined that the applicant failed to establish unlawful residence and continuous physical presence during the requisite periods.

An applicant for temporary resident status may appeal an adverse decision on Form I-694. 8 C.F.R. § 245a.2(o). The appeal must be filed by the applicant or his or her attorney or accredited representative. 8 C.F.R. § 103.3(a)(1)(iii)(B), (a)(2)(i). 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 December 19, 2006 was not signed by the applicant or any individual authorized to represent the applicant. The form was signed by an individual named R.K. [REDACTED] who identified himself as the applicant's attorney. It is noted that [REDACTED] was convicted in the United States District Court for the Southern District of New York for willfully causing the subscription of an immigration document containing a material false statement and presenting an immigration document containing a false statement. *In re: Raghbir K. Gupta, Attorney*, ___ I&N ___ (BIA May 7, 2008). [REDACTED] was immediately suspended by the Board of Immigration Appeals on May 7, 2008, based on the conviction, pending final disposition of the case.

The record does not contain any documentation establishing [REDACTED]'s eligibility, at the time of filing the Form I-694, to appear either as an attorney or as an accredited representative of an

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 one year has passed since the decision was issued.

organization recognized and accredited by the Board of Immigration Appeals pursuant to the regulations at 8 C.F.R. §§ 103.2(a)(3) and 292.1(a). Since the record contains no evidence that Mr. [REDACTED] was eligible to represent the applicant, he 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.