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FILE: [REDACTED]  
MSC-06-091-11657

Office: LOS ANGELES

Date: JUN 09 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. If your appeal was dismissed or rejected, all documents have been returned to the National Records 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, Los Angeles District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because she determined that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director found that the applicant had not met his burden of proof and was, therefore, not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

An adverse decision on an application for temporary resident status may be appealed to the AAO. Any appeal with the required fee shall be filed with the Service Center within thirty (30) days after service of the notice of denial or termination. An appeal received after the thirty-day period has tolled will not be accepted. See 8 C.F.R. § 245a.2(p). Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. 8 C.F.R. § 103.5a(b).

The record reflects that the director sent her decision of March 30, 2007 to the applicant at his address of record. It is noted that the applicant appears to have listed his street address incorrectly on the Form I-687. The director sent the decision to the address listed on the Form I-687 and the record does not indicate that the decision was returned as undeliverable.

The Form I-694 appeal was submitted on May 15, 2007, 46 days after the director's decision. Therefore, the appeal was untimely filed, and must be rejected.

It is noted that the applicant requested that copies of correspondence be provided to [REDACTED]. The record does not contain a Form G-28 listing [REDACTED]'s name and including the applicant's signature. USCIS has an obligation to ensure that only those attorneys and representatives who are eligible to practice before the agency are recognized in that manner.

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. [REDACTED] 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 [REDACTED] 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 [REDACTED] is eligible to represent the applicant, his representation will not be recognized by the AAO.

**ORDER:** The appeal is rejected as untimely filed.