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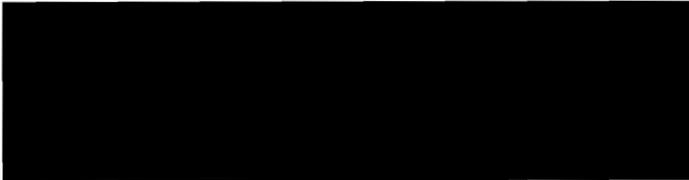
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
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FILE: [REDACTED] Office: NEW YORK Date: **MAR 20 2008**  
MSC-05-305-11408

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, New York. The decision is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application because the applicant did not provide sufficient evidence to establish his eligibility for the benefit sought. On appeal, a Notice of Appeal, Form I-694, was timely filed on July 13, 2006; however, it was not signed. Instead the Form I-694 contained the applicant's photocopied signature. The applicant filed the same Form I-694 again on September 7, 2006, with his original signature and dated August 29, 2006.

An applicant for temporary resident status may appeal an adverse decision on Form I-694. 8 C.F.R. § 245a.2(o). 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, as the timely-filed Form I-694 is not signed, the appeal is deficient and is not properly filed. The appeal, therefore, must be rejected on this ground.

As noted above, the applicant also submitted the same Form I-694, but with his original signature, on September 7, 2006, after he was notified that his signature was required. An appeal with the required fee must be filed within 30 days after service of the notice of denial. 8 C.F.R. § 245a.2(p). If the decision, or notice of denial, was mailed, the applicant is afforded an additional three days. 8 C.F.R. § 103.5a(b). The date of filing is not the date of mailing, but the date of actual receipt. 8 C.F.R. § 103.2(a)(7)(i). An appeal that is not timely filed will not be accepted. 8 C.F.R. § 245a.2(p).

In this case, the director issued the notice of denial on June 16, 2006 and mailed it to the applicant's address of record. The properly signed appeal was received on September 7, 2006, 83 days later. Therefore, the appeal was untimely filed and must be rejected on this basis.

**ORDER:** The appeal is rejected for the above stated reasons, with each considered as an independent and alternative basis for rejection.

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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 an appeal must be filed within 30 days of the notice of decision, it was not possible to timely resubmit the Form I-694 in this case.