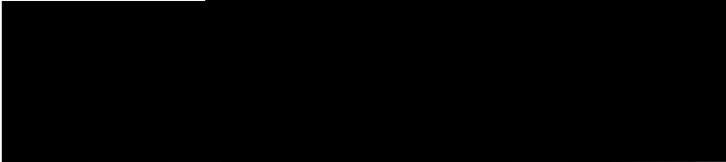




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FILE: [REDACTED]  
MSC 06 102 16057

Office: LOS ANGELES

Date: **MAY 12 2008**

IN RE: Applicant: [REDACTED]

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 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. Wienmann, 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, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director determined that the applicant had not demonstrated that she had resided in the United States in an unlawful status prior to January 1, 1982. Therefore, the director concluded that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant states that she has been living in the United States since 1981

The record contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, purporting to authorize [REDACTED] to act on behalf of the applicant. The regulation at 8 C.F.R. § 103.2(a)(3) specifies that an applicant may be represented “by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter.” In this case, the person listed on the G-28 is not an authorized representative.<sup>1</sup> Therefore, the decision will be provided only to the applicant.

An adverse decision on an application for adjustment to permanent resident status may be appealed to the AAO. Any appeal shall be submitted to the district office with the required fee within thirty (30) days after service of the notice of denial. An appeal received after the thirty-day period has tolled will not be accepted. The thirty-day period for submitting an appeal begins three days after the notice of denial is mailed. 8 C.F.R. § 245a.3(j).

The director issued the Notice of Denial on July 20, 2006, and mailed it to the applicant at her address of record. The appeal was received on September 12, 2006, 54 days after the director issued her decision. Therefore, the appeal was untimely filed, and must be rejected.

The applicant filed a Form I-485, Application to Register Permanent Resident or Adjust Status, on May 30, 2002. The District Director, Los Angeles, California, denied the application on December 22, 2005. The appeal of that denial is not at issue in this decision.

**ORDER:** The appeal is rejected.

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<sup>1</sup> See [www.usdoj.gov/eoir/statspub/raroster.htm](http://www.usdoj.gov/eoir/statspub/raroster.htm).