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



U.S. Citizenship
and Immigration
Services

L1

[Redacted]

FILE:

[Redacted]

Office: CALIFORNIA SERVICE CENTER

Date: **MAR 25 2008**

XLA-88-511-3071

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 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 termination of the applicant's temporary resident status by the Center Director, Western Service Center, is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director determined that subsequent to January 1, 1982, the applicant had been absent from the United States for over 45 days, and had failed to establish that an emergent reason had delayed his return. On this basis, the director terminated the applicant's status as a temporary resident under Section 245A of the Immigration and Nationality Act (Act).

On appeal [REDACTED] submitted on behalf of the applicant a Form I-694, Notice of Appeal of Decision Under Section 210 or 245A of the Act.

An applicant for temporary resident status may appeal an adverse decision on Form I-694. 8 C.F.R. § 245a.2(o). The applicant may be represented by an attorney or representative in accordance with 8 C.F.R. § 292. 8 C.F.R. § 103.3(a)(1)(iii)(B). The person acting in a representative capacity must be "authorized and qualified to represent," and a notice of appearance must be signed by the applicant to authorize representation in order for the appearance to be recognized by the U.S. Citizenship and Immigration Services (CIS). 8 C.F.R. § 292.4.

Form G-28, Notice of Entry of Appearance of Attorney or Representative, submitted by [REDACTED] on behalf of the applicant does not establish her 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). [REDACTED] lists no location in which she is admitted to the practice of law, nor is she listed on the most recent Roster of Recognized Organizations and Accredited Representatives maintained by the Executive Office for Immigration Review.

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 is not signed by the applicant, **but rather by** [REDACTED] who identifies herself as a representative. On February 20, 2008, [REDACTED] was sent a letter from the AAO requesting evidence of her authority to appear as an attorney or representative. [REDACTED] was afforded fifteen (15) days to respond to this request. As of the date of this decision [REDACTED] has not provided the AAO with any evidence of her qualifications. Since the appeal has not been signed and

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.

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.