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U.S. Citizenship  
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Services

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FILE:



MSC 05 285 12898

Office: MIAMI

Date:

**JUL 31 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.

  
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 matter is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application because the applicant provided insufficient evidence to demonstrate that she continuously resided in the United States during the period required by 8 C.F.R. § 245a.2(b)(1) and 8 U.S.C. § 1255a(a)(3). The appeal in this matter was submitted by the Caribbean Social Services Corporation (CSSC) of Sunrise, Florida and signed by [REDACTED] the Executive Director of that entity. Between the name of the corporation and [REDACTED] signature, the word "Representative" appears, indicating that one or the other is representing the applicant.

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.

The applicant or his or her authorized representative must sign the appeal. 8 C.F.R. § 103.2(a)(2) – (3). An appeal which is not properly signed shall be rejected. 8 C.F.R. § 103.2(a)(7).

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 the Form I-694 is not signed by the applicant, but rather by [REDACTED] who identifies himself, or possibly CSSC, as the applicant's representative. There is no Form G-28, Notice of Entry of Appearance of Attorney or Representative, in the file, however, to indicate that [REDACTED] is an attorney or representative who is authorized to represent the applicant, or that CSSC is authorized to represent her. Because the file contains no Form G-28 the record also includes no indication that the applicant has consented to be represented.

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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 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.

Further, [redacted] name does not appear on the current list of accredited representatives maintained by the Executive Office of Immigration Review (EOIR), nor does CSSC appear on the current EOIR list of recognized organizations eligible to designate representatives for EOIR accreditation.

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.