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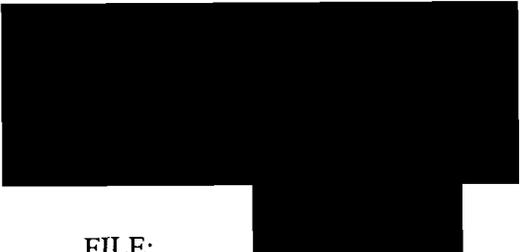
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

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FILE:

XRO 88 155 1027

Office: CALIFORNIA SERVICE CENTER

Date **MAR 30 2010**

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.

*Elizabeth McCormack*

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, Western Regional Processing Facility. A subsequent appeal was rejected by the Administrative Appeals Office (AAO). The applicant filed a motion to reopen or reconsider the decision rendered by the AAO. The motion will be rejected.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act). The director denied the application on March 23, 1990 finding that the applicant failed to appear for the required interview regarding his application. A subsequent appeal was untimely filed on November 3, 1998, and therefore, the AAO rejected the appeal on December 13, 2006. The applicant subsequently filed a motion to reopen or reconsider the decision.

The Form I-694, Notice of Appeal of Decision under Section 210 or 245A was filed on behalf of the applicant by [REDACTED]<sup>1</sup> who is a friend. On appeal, the applicant states that he had never been notified of any required interviews or appointments.

The applicant requested a copy of the record of proceedings under the Freedom of Information Act (FOIA). The record reflects that the FOIA request was completed on June 5, 2009. (NRC2008030029).

The applicant filed a motion to reopen and reconsider the AAO decision dated December 13, 2006. The regulation at 8 C.F.R. 103.3(a)(3)(iii) states that no further administrative appeal shall lie from that decision. The regulation at 8 C.F.R. § 103.5(b) provides that motions to reopen a proceeding or reconsider a decision under part 245a shall not be considered. Therefore, the appeal must be rejected.

**ORDER:** The appeal is rejected.

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<sup>1</sup> The regulations provide that an applicant or petitioner may be represented by a reputable individual if he or she is appearing on an individual basis at the request of the person entitled to representation; he or she is appearing without direct or indirect remuneration and files a written declaration to that effect; he or she has a pre-existing relationship or connection with the person entitled to representation (e.g., as a relative, neighbor, clergyman, business associate or personal friend), provided that such requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and her appearance is permitted by the official before whom he or she wishes to appear (namely a special inquiry officer, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board) provided that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or hold himself out to the public as qualified to be so as defined in 8 C.F.R. § 292.1(a)(3) of this chapter. However, the person acting in a representative capacity must be authorized and qualified to represent the applicant. [REDACTED] has not established herself to be a reputable individual as defined in 8 C.F.R. § 292.1(a)(3). Therefore, [REDACTED] will not receive notice of these proceedings.