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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

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**U.S. Citizenship
and Immigration
Services**



File: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: SEP 23 2004

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

Petition: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

IN BEHALF OF PETITIONER:

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. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days of after service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b).

At the outset, a Form G-28, Notice of Entry of Appearance as Attorney or Representative, is on file for Mr. [REDACTED] "International Immigration Centers," and signed by the petitioner's signatory. [REDACTED] claims to be a licensed immigration consultant in the state of California. A review of recognized organizations and accredited representatives reported in July 2004 by the Executive Office for Immigration Review, however, does not mention [REDACTED] International Immigration Centers. Under 8 C.F.R. § 292.1, persons entitled to represent individuals in matters before the Department of Homeland Security ("DHS"), and the Immigration Courts and Board of Immigration Appeals ("Board"), or the DHS alone, include, among others, accredited representatives. Any such representatives must be designated by a qualified organization, as recognized by the Board. A recognized organization must apply to the Board for accreditation of such a representative or representatives. As the AAO is included under DHS, only those entities or individuals who have received accreditation by the Board will be treated as representatives and provided copies of decisions. In this matter, the decision will be provided to the petitioner only, as the affected party, because neither Mr. [REDACTED] nor International Immigration Centers are recognized accredited representatives in this matter.

The record indicates that the director issued the decision on July 27, 2003. It is noted that the director properly gave notice to the petitioner that it had 33 days to file the appeal. Although [REDACTED] presumably acting on the petitioner's behalf, dated the appeal August 26, 2003, and noted that he mailed it on August 27, 2003, it was received by CIS on September 3, 2003, or 38 days after the decision was issued. Accordingly, the appeal was untimely filed.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(B)(2) states that, if an untimely appeal meets the requirements of a motion to reopen or a motion to reconsider, the appeal must be treated as a motion, and a decision must be made on the merits of the case. The official having jurisdiction over a motion is the official who made the last decision in the proceeding, in this case the service center director. *See* 8 C.F.R. § 103.5(a)(1)(ii). The director declined to treat the late appeal as a motion and forwarded the matter to the AAO.

As the appeal was untimely filed, the appeal must be rejected.

ORDER: The appeal is rejected.