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U.S. Citizenship
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Services

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B9



FILE:

[REDACTED]
EAC 05 228 50077

Office: VERMONT SERVICE CENTER

Date:

APR 25 2007

IN RE:

Petitioner: [REDACTED]

PETITION: Petition for Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON 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.

for *Maura Dladnick*
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The petitioner is a native and citizen of Jamaica who seeks immigrant classification pursuant to section 204(a)(1)(A)(iii) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii), as the battered spouse of a citizen of the United States.

The director denied the petition on July 31, 2006. On August 31, 2006, [REDACTED] submitted an appeal on the petitioner's behalf. Although Mr. [REDACTED] submitted a Form G-28, Notice of Entry of Appearance as Attorney or Representative, he indicated that he was a consultant, not a licensed attorney or an accredited representative.

Only attorneys, other qualified individuals, or accredited representatives of organizations recognized and accredited by the Board of Immigration Appeals are eligible to practice before Citizenship and Immigration Services (CIS). See 8 C.F.R. §§ 103.2(a)(3), 292.1.

In regards to appeals, the regulation at 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and sections 103.4 and 103.5 of this part, *affected party* (in addition to [CIS]) means the person or entity with legal standing in a proceeding. . . . An affected party may be represented by an attorney or representative in accordance with part 292 of this chapter.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) further states, in pertinent part:

Improperly filed appeal -- (A) Appeal filed by person or entity not entitled to file it -- (1) Rejection without refund of filing fee. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee [CIS] has accepted will not be refunded.

In this case, the appeal was not filed by the petitioner, or by any entity with legal standing in the proceeding, but rather by an immigration consultant with no authority to undertake representations on the petitioner's behalf. See 8 C.F.R. § 292.1. Mr. [REDACTED] personally signed the I-290B Notice of Appeal, and identified himself, rather than the petitioner, as the "Person Filing Appeal" on that form. The appeal was improperly filed and consequently must be rejected.

ORDER: The appeal is rejected.