

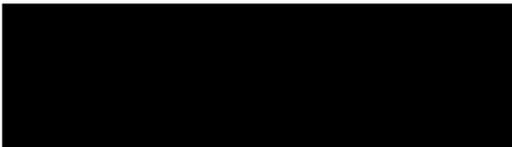


U.S. Citizenship
and Immigration
Services

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invasion of personal privacy

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FILE: [REDACTED]
EAC 05 242 52137

Office: VERMONT SERVICE CENTER

Date: SEP 25 2007

IN RE: Petitioner: [REDACTED]

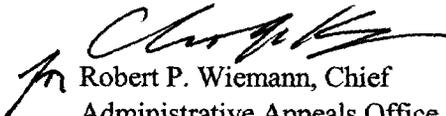
PETITION: Petition for Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

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.


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 India who is seeking immigrant classification pursuant to section 204(a)(1)(A)(iii), 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 August 29, 2006. On October 6, 2006, an appeal was filed in the petitioner's behalf by [REDACTED]. Although [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.

8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) Meaning of affected party. For purposes of this section and §§ 103.4 and 103.5 of this part, *affected party* (in addition to [Citizenship and Immigration Services (CIS)]) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

8 C.F.R. § 103.3(a)(2)(v) states:

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 has not been 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. [REDACTED] personally signed the I-290B Notice of Appeal, and identified himself, rather than the petitioner, as the "Person Filing Appeal" on that form. Therefore, the appeal has not been properly filed, and must be rejected, pursuant to the above regulations.¹

ORDER: The appeal is rejected.

¹ It is noted that the appeal was also untimely filed as it was received 38 days after issuance of the director's decision. Therefore, if not rejected for lack of standing, the appeal would be rejected as untimely filed pursuant to 8 C.F.R. § 103.3(a)(2)(i).