U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

B9

[redacted]

FILE: [redacted] OFFICE: VERMONT SERVICE CENTER DATE: SEP 01 2004
EAC 02 293 52499

IN RE: Petitioner:
Beneficiary: [redacted]

PETITION: Petition for Special 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.

Mari Johnson

for Robert P. Wiemann, Director
Administrative Appeals Office

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center on September 18, 2003. On behalf of petitioner appealed the director's denial to the Administrative Appeals Office (AAO). The matter is now before the AAO on appeal. The appeal will be rejected.

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

The Form I-290B, Notice of Appeal, was filed by who indicated that she is not an attorney and she represents the office of Senator The petitioner indicated on the Form I-360 petition that mail should be directed to him in care of Senator ndicated that she helped the petitioner prepare the Form I-360.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states that an appeal filed by a person not entitled to file it must be rejected as improperly filed. Only an *affected party* may file an appeal.

Affected party is defined at 8 C.F.R. § 103.3(a)(1)(iii)(B) as "the person or entity with legal standing in a proceeding." Carol Bagot is not an affected party because she lacks legal standing in this proceeding.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) also provides that "an affected party may be represented by an attorney or representative in accordance with part 292 of this Chapter."

The Citizenship and Immigration Services (CIS) regulation at 8 C.F.R. § 103.2(a)(3) specifies that a petitioner may be represented "by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter." Pursuant to 8 C.F.R. §§ 292.1(a)(4) and 292.2(a), an accredited representative is a person that the Board of Immigration Appeals (BIA) has accredited to represent a particular "non-profit religious, charitable, social service, or similar organization established in the United States" that the BIA has recognized as an organization which may provide accredited representatives. Representatives of state legislators are not included among these three types of persons.

Clearly s not attempting to enter an appearance as an attorney, and there is no evidence that she has been accredited by the BIA as a representative of a BIA-recognized organization, or, for that matter, that her organization, a state legislator's office, has been recognized by the BIA as a non-profit religious, charitable, social service, or similar organization that is qualified to provide accredited representatives. Hence, CIS cannot recognize her appearance on the petitioner's behalf.

CIS regulations specifically state that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1). Here, the person who filed the appeal was not entitled to do so. 8 C.F.R. § 103.2(a)(3). Accordingly, the AAO will reject the appeal pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.