

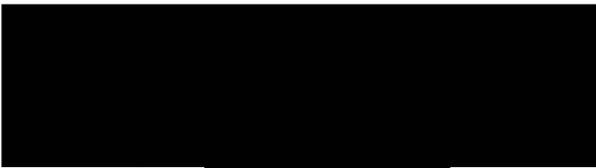
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U.S. Citizenship
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FILE: [Redacted] Office: DENVER

MSC 02 064 64289

Date: NOV 27 2006

IN RE: Applicant: [Redacted]

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), *amended by* LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

ON BEHALF OF APPLICANT:

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. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Denver, Colorado, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

On appeal, the applicant states that, as his application for temporary residence was approved, he has only to show that he was present in the United States prior to January 1986. The applicant asserts that he has submitted sufficient evidence to establish his continued residency in the United States since 1986.

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 §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 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 the Service has accepted will not be refunded.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. The Form I-290B, Notice of Appeal to the Administrative Appeals Unit, is signed by [REDACTED] as the applicant's attorney. The record contains a Form G-28, Notice of Appearance as Attorney or Representative, signed by [REDACTED]. However, the Form G-28 is not signed by the applicant authorizing [REDACTED] to act on his behalf. Further, according to the Colorado Supreme Court, [REDACTED] was suspended from the practice law in Colorado on June 21, 2006.¹ Accordingly, the AAO cannot recognize [REDACTED] as an authorized representative in this proceeding. The appeal has not been filed by the applicant or by any entity with legal standing in the proceeding. Therefore the appeal has not been properly filed and must be rejected.

ORDER: The appeal is rejected.

¹ See www.coloradosupremecourt.com/Search/Attdet.asp?Reg=23440 (accessed by the AAO on November 2, 2006).