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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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

H4

FILE: [REDACTED] Office: LOS ANGELES, CA

Date:

IN RE: [REDACTED]

AUG 1 1 2010

APPLICATION: Application for Permission to Reapply for Admission into the United States after
Deportation or Removal under section 212(a)(9)(A)(iii) of the Immigration and
Nationality Act, 8 U.S.C. § 1182(a)(9)(A)(iii)

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, Los Angeles, California, denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The field office director found the applicant inadmissible under section 212(a)(9)(A)(i) of the Act, 8 U.S.C. § 1182(a)(9)(A)(i). He seeks permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(iii) in order to remain in the United States with his three U.S. citizen children.

The field office director determined that the applicant is inadmissible pursuant to section 212(a)(9)(C)(i) of the Act, 8 U.S.C. § 1182(a)(9)(C)(i), for illegally reentering the United States after having been removed. The field office director determined that the applicant was not eligible to apply for permission to reapply for admission because he had not remained outside the United States for the required ten years. The field office director denied the Form I-212 accordingly. *See Field Office Director's Decision*, dated August 12, 2009.¹

On September 15, 2009, [REDACTED] filed a Form I-290B to appeal the field office director's adverse decision. In support of his contentions, [REDACTED] submits only the referenced Form I-290B. The record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative; however, [REDACTED] clearly indicates that he is not an accredited representative authorized to practice before U.S. Citizenship and Immigration Services (USCIS) or an attorney, but the petitioner in regard to an Immigrant Petition for Alien Worker (Form I-140) filed on behalf of the applicant. While the petitioner on a Form I-140 would be an "affected party" in the denial of a Form I-140, the petitioner on the Form I-140 is not an "affected party" in the appeal of the denial of a Form I-212, as the "affected party" entitled to file an appeal is the applicant. *See* 8 C.F.R. § 103.3(a)(2).

The regulation at 8 C.F.R. § 292.4(a) governs appearances by attorney or representatives. It states, in pertinent part: "When an appearance is made by a person acting in a representative capacity, his or her signature shall constitute a representation that under the provisions of this chapter he or she is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required." The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1), also provides that an appeal that is filed by an individual who is not a licensed attorney or accredited representative authorized to practice before USCIS is considered an improperly filed appeal and it must be rejected. Here, [REDACTED] is not a licensed attorney and is also not an accredited representative; therefore, [REDACTED] is not entitled to file an appeal on behalf of the applicant. Accordingly, the AAO rejects the appeal.

ORDER: The appeal is rejected.

¹ The AAO notes that the decision was re-sent on August 21, 2009.