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

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PUBLIC COPY

U.S. Citizenship and Immigration Services

H4

[redacted]

FILE: [redacted] Office: LOS ANGELES, CA Date: JUN 22 2010

IN RE: [redacted]

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 applicant is inadmissible under sections 212(a)(9)(A) and 212(a)(9)(C)(i)(I) of the Act, 8 U.S.C. §§ 1182(a)(9)(A) and 1182(a)(9)(C)(i)(I). He seeks permission to reapply for admission into the United States under sections 212(a)(9)(A)(iii) and 212(a)(9)(C)(ii) of the Act, 8 U.S.C. §§ 1182(a)(9)(A)(iii) and 1182(a)(9)(C)(ii), in order to travel to the United States.

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 September 12, 2009.

On October 23, 2009, [redacted] filed a Form I-290B to appeal the field office director's adverse decision. In support of his contentions, [redacted] submits the referenced Form I-290B, a brief and evidence purporting to establish that the applicant resides in Mexico and has not returned to the United States.[1] [redacted] failed to file a Form G-28, Notice of Entry of Appearance as Attorney or Representative, along with the Form I-290B. Additionally this office was unable to verify [redacted] status as a licensed attorney in any state or as an accredited representative.

On June 11, 2009, the AAO sent a facsimile to [redacted] requesting that he submit evidence that he is a licensed attorney in the United States. As of the date of this decision, [redacted] has failed to respond to the AAO's request.

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

[1] Counsel and the applicant submit documentation in regard to a Mexican company that is purportedly owned by the applicant and employs the applicant. The AAO finds that none of the documentation establishes that the applicant is employed by the company and, moreover, such documentation does not establish the applicant's presence and continued residence in Mexico. Additionally, the AAO notes that this evidence is entirely in the Spanish language and is not accompanied by an English translation, as is required by 8 C.F.R. § 103.2(a)(3). The evidence is, therefore, insufficient to establish the applicant's current residence outside the United States.

representative; therefore, [redacted] is not entitled to file an appeal on behalf of the applicant. Accordingly, the AAO rejects the appeal.[2]

ORDER: The appeal is rejected.

[2] The AAO also notes that the appeal would be rejected as untimely since the appeal was received on October 23, 2009, 41 days after the field office director issued his decision.