

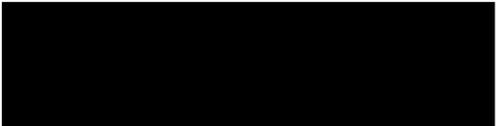
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U.S. Citizenship
and Immigration
Services

L2



FILE: [REDACTED]
MSC 02 215 62922

Office: LOS ANGELES

Date: JUL 17 2007

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.

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, Los Angeles, California, 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 the director abused her discretion in denying his application that he has established by clear and convincing evidence that he resided continuously in the United States since prior to January 1, 1982.

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] who identified himself as a law graduate and authorized to represent the applicant pursuant to section 292.1(A)(2) of the Immigration and Nationality Act.. The record contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, purporting to authorize [REDACTED] to act on behalf of the applicant. The regulation at 8 C.F.R. § 103.2(a)(3) specifies that an applicant 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.” The regulation at 8 C.F.R. § 292.1(a)(2) states that a person entitled to representation may be represented by a law graduate not yet admitted to the bar. The regulation provides further, that:

- (iii) In the case of a law graduate, he or she has filed a statement that he or she is appearing under the supervision of a licensed attorney or accredited representative and that he or she is appearing without direct or indirect remuneration from the alien he or she represents.

By letter dated June 14, 2007, the AAO requested the documentation required by the regulation as cited above. In response, the applicant submitted a statement requesting that [REDACTED] be allowed to represent him and a copy of an October 25, 2004 letter from [REDACTED] who states that he is an attorney licensed to practice in the State of California. According to [REDACTED] “will

conduct all his immigration affairs under my direct oversight and supervision,” and that he believes that [REDACTED] “is extremely well qualified as a nonlawyer staff member of the Immigration Pro Bono Development Project.”

We note that [REDACTED] did not submit a statement that he is appearing without remuneration from the applicant, nor does the applicant indicate this in his statement. Further, although [REDACTED] stated that [REDACTED] would be under his “direct oversight and supervision,” the record does not reflect that [REDACTED] is in any way currently associated with [REDACTED] or his law practice. [REDACTED] further stated that [REDACTED] was qualified to serve with the Immigration Pro Bono Development Project. However, the G-28 does not indicate [REDACTED]’s association with the Pro Bono Development Project and the Pro Bono Development Project is not listed as an accredited organization by the Bureau of Immigration Appeals.¹

The above-cited regulation provides that a law graduate’s appearance is permitted by the official before whom he or she wishes to appear. [REDACTED] has provided insufficient documentation to verify his authority to represent the applicant as a law graduate not yet admitted to practice. 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 <http://www.usdoj.gov/eoir/statspub/recognitionaccreditationroster.pdf>, accessed on July 11, 2007.