



U.S. Citizenship
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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: NOV 01 2007
LIN 06 162 50079

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2) states in part the following:

If an appeal is filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the appeal, the appeal is considered improperly filed.

In the instant matter, a Form G-28 was filed on behalf of the petitioner by [REDACTED]. Although a Form I-290B, Notice of Appeal to the AAO was filed on November 22, 2006 indicating that [REDACTED] and Associates continued to represent the petitioner, the record shows that Mr. [REDACTED] died on June 1, 2006 and, therefore, could not have filed the appeal on the petitioner's behalf. Furthermore, the signature on the petitioner's Form I-290B was not that of Mr. [REDACTED], but rather was that of [REDACTED]. The record does not contain a Form G-28 showing that Mr. [REDACTED] is authorized to undertake representation on the petitioner's behalf. The requirement for the submission of a Form G-28 is expressly stated in the regulations and is also referenced in the Form I-140 itself. In a letter dated September 5, 2007, the AAO requested that a properly executed Form G-28 be submitted in order to establish legal representation of the petitioner in the present matter. Although Mr. [REDACTED] responded with correspondence dated September 24, 2007, stating that the petitioner filed the appeal *pro se*, the Form I-290B was not signed by the petitioner, but rather was signed by someone claiming to represent the petitioner as its attorney. Therefore, a properly executed Form G-28 was required.

As the petitioner failed to provide a properly executed Form G-28, the appeal will be rejected as improperly filed.

ORDER: The appeal is rejected.