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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

H3

[REDACTED]

FILE:

Office: MOSCOW, RUSSIA

Date: JUL 30 2008

IN RE:

[REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(a)(9)(B)(v) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(B)(v)

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. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Field Office Director, Moscow, Russia denied the waiver application. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days of service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b). The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i).

The regulation at 8 C.F.R. § 103.3(a)(2)(i) also provides that the affected party must file an appeal on Form I-290B. An affected party is the person or entity with legal standing and may include an attorney or representative if the attorney or representative meets required qualifications and files an executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling them to file the appeal. 8 C.F.R. §§ 103.3(a)(1)(iii)(B) and 292. The regulation at 8 C.F.R. § 103.3(a)(2)(v)(1) states that, if an appeal is filed by a person or entity that is not entitled to file the appeal, the appeal must be rejected as improperly filed. The Form I-290B must be either executed by an affected party or counsel. 8 C.F.R. § 103.2(a)(2).

The record indicates that the field officer director issued the decision on September 28, 2007, and properly gave notice to the applicant that she had 33 days to file the appeal with the Moscow, Russia field office. The record also indicates that the applicant submitted the Form I-290B to the field office on October 29, 2007, within the 33-day period. However, the Form I-290B is not signed by the applicant or her counsel. As the Form I-290B submitted by the applicant to the Moscow, Russia field office on October 29, 2007 was not signed, the AAO finds that the appeal was not properly filed and must be rejected.

ORDER: The appeal is rejected.