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U.S. Department of Homeland Security
20 Mass Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

D9

[redacted]

FILE: LIN 03 215 54522 Office: NEBRASKA SERVICE CENTER Date: DEC 03 2004

IN RE: Petitioner: [redacted]
Beneficiary

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(P)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(P)(i)

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.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

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

The regulation at 8 C.F.R. § 103.2(a)(2) states, in pertinent part: "An applicant or petitioner must sign his or her application or petition . . . By signing the application or petition, the applicant or petitioner . . . certifies under penalty of perjury that the application or petition, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct."

The Form I-129 form, as submitted by the petitioner, includes the following sections:

> **Part 9. Signature.**
> I certify, or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America, that this petition, and the evidence submitted with it, is all true and correct. If filing this on behalf of an organization, I certify that I am empowered to do so by that organization. I authorize the release of any information from my records, or from the petitioning organization's records, which the Immigration and Naturalization Service needs to determine eligibility for the benefit being sought.
>
> *Signature*_____ Date_____
>
> **Part 10. Signature of person preparing form if other than above. (sign below)**
> I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.
>
> **Signature**_____ Print Your Name_____ Date_____

The petitioner failed to sign Part 9 and 10 of the Form I-129. Part 9, which, by regulation, must be signed, is blank. Thus, the petitioner has not certified the accuracy of the petition under penalty of perjury, and the petition was not properly filed. The director's error in accepting the petition for processing does not oblige the AAO to proceed with the adjudication of the appeal. We are not required to treat acknowledged errors as binding precedent. *Sussex Eng. Ltd. v. Montgomery*, 825 F.2d 1084, 1090 (6th Cir. 1987), *cert. denied*, 485 U.S. 1008 (1988).

Because the petition was never properly filed, there is, in effect, no proceeding to speak of, and no valid appeal for us to consider.

A Notice of Entry of Appearance as Attorney or Representative was submitted with the appeal, but the attorney failed to sign the notice; hence, the attorney will not be recognized.[1]

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[1] The AAO phoned the law office listed on the Form G-28 to ask the named attorney to submit a signed G-28. The AAO was informed that the attorney no longer practices with the firm.

ORDER: The appeal is rejected.