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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

B5



DATE: **OCT 31 2011** OFFICE: NEBRASKA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

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.

Thank you,

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal.

Under the U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 292.4(a), as well as the instructions to the Form I-290B Notice of Appeal, if an attorney files an appeal with the Administrative Appeals Office, the filing must include a newly executed Form G-28 Notice of Entry of Appearance as Attorney or Representative, even if the record includes an older form from the same attorney. This regulation applies to all appeals filed on or after March 4, 2010. *See* 75 Fed. Reg. 5225 (February 2, 2010).

The petitioner filed the Form I-140 petition on December 1, 2008, with a Form G-28 dated March 15, 2008, naming [REDACTED] as the petitioner's attorney of record. The director denied the petition on June 10, 2010. [REDACTED] filed the appeal on July 13, 2010, but the filing did not include a new Form G-28 as required.

Under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2), if an appeal is otherwise properly filed without a Form G-28, then USCIS must contact the attorney and attempt to obtain the required form. Therefore, on August 31, 2011, the AAO instructed [REDACTED] to submit the required form within ten (10) calendar days. The AAO sent its request by facsimile to the number on [REDACTED] printed letterhead. The allotted time has elapsed, and the AAO has received no response from [REDACTED].

The AAO notes that [REDACTED] had indicated, on Form I-290B, that he would submit an appellate brief within 30 days. The record contains no further submission from [REDACTED] or any other indication that he has continued to pursue the appeal.

Because an attorney filed the appeal without a new, properly executed Form G-28, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) requires the AAO to reject the appeal.

ORDER: The appeal is rejected.