

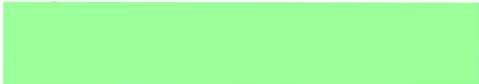
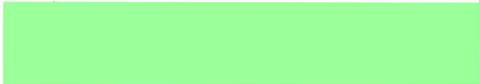


U.S. Citizenship
and Immigration
Services

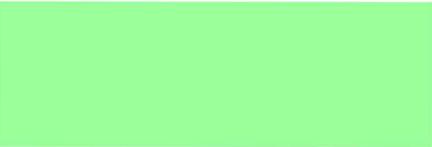
(b)(6)



DATE: **JAN 24 2013** OFFICE: NEBRASKA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:


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,



Ron Rosenberg
Acting 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 appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The petitioner describes itself as an engineering consulting business. It seeks to permanently employ the beneficiary in the United States as a CAD draftsman. The petitioner requests classification of the beneficiary as a professional or skilled worker pursuant to section 203(b)(3)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A).

The director's decision denying the petition concludes that the petitioner had not shown that it had the ability to pay the proffered wage to the beneficiary from the priority date onward and that the petitioner had not provided evidence that a *bona fide* job opportunity existed.

Effective March 4, 2010, the regulation at 8 C.F.R. § 292.4(a) requires that a new Form G-28 "must be filed with an appeal filed with the [AAO]." 8 C.F.R. § 292.4(a) further requires that the Form G-28 "must be properly completed and signed by the petitioner, applicant or respondent to authorize representation in order for the appearance to be recognized by DHS." The Form I-290B was signed and submitted by [REDACTED] an attorney. The record, however, does not contain a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, signed by both [REDACTED] and by an authorized official of the petitioning entity.

On December 31, 2012, the AAO sent [REDACTED] a request to submit a new Form G-28 to our office within ten (10) calendar days. The request notified him that without a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, authorizing him to represent the petitioner, we cannot consider the appeal to have been properly filed. We stated that failure to submit this required document would result in the rejection of the appeal as improperly filed.

We have not received the requested Form G-28. Therefore, we cannot consider the appeal to have been properly filed.

As the appeal was not properly filed, and it is unclear whether or not the petitioner consented to having an appeal filed on its behalf, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.