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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**

B2

DATE: **JUL 05 2012** Office: NEBRASKA SERVICE CENTER FILE: [REDACTED]

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

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

[REDACTED]

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,

Perry Rhew
Chief, Administrative Appeals Office

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

In accordance with the regulation at 8 C.F.R. § 292.4(a) as well as the instructions to the Form I-290B, a new Form G-28 must be filed with an appeal filed with the Administrative Appeals Office. This regulation applies to all appeals filed on or after March 4, 2010. See 75 Fed. Reg. 5225 (February 2, 2010).

The director denied the petition on July 29, 2010. Counsel filed an appeal on the petitioner's behalf whereby counsel signed the Form I-290B on August 23, 2010. The Form I-290B does not bear the signature of the petitioner. Accompanying the Form I-290B was a photocopy of the Form G-28 that was submitted with the Form I-140. It is important to note that the petitioner's signature on this Form G-28 resembles other signatures belonging to the petitioner throughout the record of proceeding. However, this was not considered a new Form G-28 as noted in the above requirements. Therefore on May 10, 2012, the AAO faxed a request to counsel's office requesting a new, fully executed Form G-28 authorizing counsel to represent the petitioner within the appellate proceedings in accordance with 8 C.F.R. § 103.3(a)(2)(v)(A)(2). The AAO notified counsel that failure to submit the required document would result in the rejection of the appeal as improperly filed, under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1). Implied within this notification is that the AAO expects any newly submitted Form G-28 to contain factual information reflecting the true intentions of the petitioner.

Counsel provided an amended Form G-28 in response in which the petitioner's block contains a signature and is dated May 12, 2012. This signature, however, is visibly dissimilar when compared to the petitioner's other signatures throughout the record of proceeding. Therefore, it is the AAO's conclusion that the petitioner's signature contained on the Form G-28 dated May 12, 2012, was not executed by him.

As the Form I-290B only contains counsel's signature, the appeal is considered to be improperly filed. Consequently, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) mandates that the appeal be rejected without refund of the filing fee.

As the appeal was improperly filed, it must be rejected.

ORDER: The appeal is rejected.