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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: JUN 18 2012 Office: TEXAS SERVICE CENTER

IN RE:

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:

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 Vermont Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the Vermont Service Center by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the employment-based immigrant visa petition on July 28, 2010. The petitioner appealed the decision with the Administrative Appeals Office (AAO) on August 9, 2010. The appeal will be rejected.

On appeal, counsel has submitted a brief and additional evidence, some of which was already part of the record. Pursuant to the regulation at 8 C.F.R. § 292.4(a) as well as the instructions to the Form I-290B, counsel must file a new Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with any appeal filed on or after March 4, 2010. *See* 75 Fed. Reg. 5225 (Feb. 2, 2010). Counsel, however, has failed to submit a new, updated Form G-28 with the appeal, filed on August 9, 2010. On May 3, 2012, the AAO sent a facsimile to counsel's office, requesting counsel to submit an updated Form G-28 within ten calendar days.<sup>1</sup> As of the date of this decision, more than a month later, the AAO has not received the requested updated Form G-28. Accordingly, the AAO rejects the instant appeal as improperly filed, under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2).

In conclusion, the appeal was not filed with the required new Form G-28 and counsel did not remedy that deficiency upon request. Accordingly, the appeal must be rejected as improperly filed under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2).

**ORDER:** The appeal is rejected.

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<sup>1</sup> Both the facsimile transmission and the facsimile send result report, dated May 3, 2012, have been made part of the record of proceedings.