

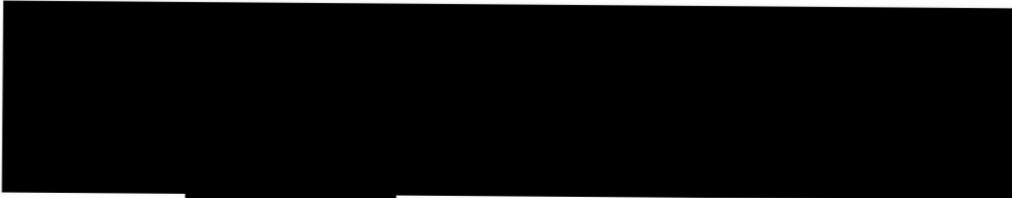
identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



B4

FILE: [REDACTED]  
EAC 05 221 53018

Office: VERMONT SERVICE CENTER

Date: OCT 09 2007

IN RE: Petitioner: [REDACTED]

Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:



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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2) states, in part, the following:

If an appeal is filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the appeal, the appeal is considered improperly filed.

In the present matter, counsel claimed to file an appeal on behalf of the petitioner and submitted a Form G-28, Notice of Entry of Appearance as Attorney or Representative. However, the Form G-28 was improperly executed. Specifically, the Form G-28 identified [REDACTED] as the person consenting to counsel's representation on behalf of the petitioner, the affected party in this proceeding. See 8 C.F.R. § 103.3(a)(1)(iii)(B). However, the signature of the person consenting is that of the beneficiary, not Tamam Altari. As the signature of the person consenting on behalf of the petitioner does not match the printed name of the person consenting, the Form G-28 cannot be deemed properly executed and, therefore, vests no right in the attorney to file an appeal on behalf of the petitioner.

Accordingly, the AAO sent counsel a facsimile notifying him that a properly executed Form G-28, signed by counsel and the consenting affected party, must be submitted to the AAO within five business days. However, counsel failed to respond to this request. As such, the AAO concludes that the appeal was improperly filed and must be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1), which calls for rejection of an improperly filed appeal, where the person filing it is not entitled to do so.

**ORDER:** The appeal is rejected.