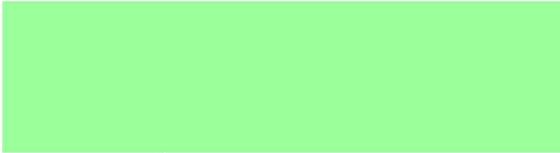


U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090

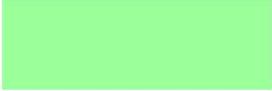


U.S. Citizenship  
and Immigration  
Services

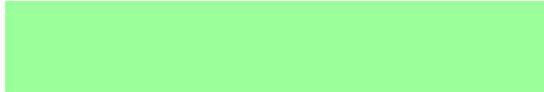
(b)(6)



DATE: **AUG 02 2013** OFFICE: TEXAS 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:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

  
Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the immigrant visa petition. The subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be rejected, the previous decision of the AAO will be affirmed, and the petition remains denied.

The petitioner describes itself as an importer and wholesaler. It seeks to permanently employ the beneficiary in the United States as a warehouse supervisor. 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 AAO's decision dismissing the appeal concludes that the petitioner did not establish its ability to pay the proffered wage from the priority date onwards and that the beneficiary did not meet the minimum requirements set forth on the labor certification.

The motion was filed by [REDACTED], who did not submit a Form G-28, Notice of Entry of Appearance as Attorney or Representative signed by the petitioner. [REDACTED] claimed to represent the petitioner based upon a previously filed Form G-28.

The regulation governing representation in filing immigration petitions and/or applications with United States Citizenship and Immigration Services (USCIS) is found at 8 C.F.R. § 103.2(a)(3), which provides in pertinent part that:

(3) *Representation.* An applicant or petitioner may be represented by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter.

The regulation at 8 C.F.R. § 1.1(f) states:

The term *attorney* means any person who is eligible to practice law in, and is a member in good standing of the bar of, the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him or her in the practice of law.

The regulation at 8 C.F.R. § 292.1(a)(6) encompasses the following type of foreign attorneys:

*Attorneys outside the United States.* An attorney, other than one described in 8 C.F.R. 1.1(f), who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which he or she resides and who is engaged in such practice, may represent parties in matters before [the Department of Homeland Security (DHS)], provided that he or she represents persons only in matters outside the geographical confines of the United States as defined in section 101(a)(38) of the

Act, and that the DHS official before whom he or she wishes to appear allows such representation as a matter of discretion.

The regulation at 8 C.F.R. § 292.1(a)(4) defines an accredited representative as a person representing an organization described in 8 C.F.R. § 292.2 who has been accredited by the Board of Immigration Appeals (BIA). The regulation at 8 C.F.R. § 292.2 describes the processes by which the BIA (1) recognizes an organization as authorized to provide accredited representatives, and (2) accredits a person as a representative of a recognized organization.

On June 7, 2013, this office issued a notice indicating that a new Form G-28 must be filed with the petitioner's motion. The record, however, does not contain a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, signed by [REDACTED] and by an authorized official of the petitioning entity dated subsequent to the AAO's decision and submitted to authorize [REDACTED] as the representative of the petitioner on motion. As of the date of this decision, the AAO has not received a response to the request for a new Form G-28. Without a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, authorizing Ms. [REDACTED] to represent the petitioner, we cannot consider the motion to have been properly filed. Therefore, we cannot consider [REDACTED] to be the petitioner's attorney or representative of record.

The Form I-290B, Notice of Appeal or Motion was filed and signed by [REDACTED] on behalf of the petitioner. As noted above, [REDACTED] was an unauthorized representative at the time that she filed the motion. The motion has not been filed by the petitioner, an authorized representative or any entity with legal standing in the proceeding, but rather by an unauthorized person. Therefore, the motion has not been properly filed and must be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

**ORDER:** The motion is rejected.