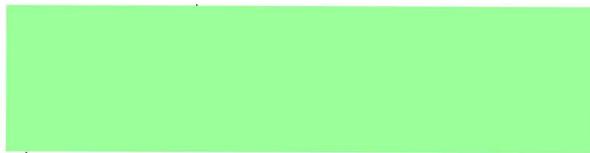


(b)(6)

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

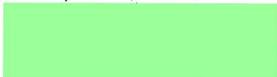


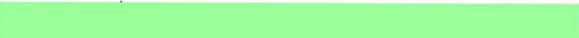
U.S. Citizenship
and Immigration
Services



DATE: **AUG 22 2013**

OFFICE: NEBRASKA SERVICE CENTER

FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Immigrant Petition for Alien Worker as an other Worker Pursuant to Section 203(b)(A)(3)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(A)(3)(iii)

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,

*Just K
FOR*

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, revoked the approval of the immigrant visa petition and 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 a facility management and commercial residential cleaning company. It seeks to permanently employ the beneficiary in the United States as a cleaner. The petitioner requests classification of the beneficiary as an other worker pursuant to section 203(b)(3)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(iii).

The director's decision revoking the approval of the petition and invalidating the labor certification concludes that the petitioner did not respond to the director's Notice of Intent to Revoke; therefore, the director found the petitioner conspired to commit immigration fraud through misrepresentation during the labor certification process, and revoked the approval of the petition, and invalidated the labor certification accordingly.

Form I-290B, Notice of Appeal or Motion, was submitted with two original Forms G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. One Form G-28 indicates that a [REDACTED] with the firm [REDACTED] represents the law firm [REDACTED].¹ The second Form-G-28 indicates that [REDACTED] represents [REDACTED], an attorney from [REDACTED]. The appeal filing does not contain a Form G-28 signed by the petitioner after the date of the director's decision revoking the approval of the petition. Additionally, the Form I-290B, Notice of Appeal or Motion, is signed by [REDACTED] and this form indicates that the petitioner's former attorney, [REDACTED] is the appellant. The regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) specifically prohibits a beneficiary, or any other individual without legal standing in a visa petition, or a representative acting on behalf of a beneficiary or, any other unauthorized individual's behalf, from filing an appeal.

There is no evidence in the record that the petitioner consented to the filing of the appeal. The former attorney in this case does not have legal standing on their own to file an appeal without the express permission of the petitioner in this case, documented by a Form G-28. There is no Form G-28, Notice of Entry or Appearance as Attorney or Accredited Representative, properly executed by the petitioner in the record of proceedings, and filed contemporaneously with the Form I-290B, Notice of Appeal or Motion, authorizing the attorney for the petitioner's former attorney's to act on its behalf.

Further, the brief submitted with the appeal states: (1) that the petitioner "is no longer in business;" (2) that the petitioner "is not represented by legal counsel;" and (3) that the "Petitioner, [REDACTED] has mailed a separate response to USCIS' allegations." The brief also indicates that the "attorneys for the Petitioner in the above referenced I-140 Immigrant Petition for Alien Worker, through their attorney ... hereby appeal the Revocation of the above referenced I-140 petition." Therefore, the record on appeal

¹ This Form G-28, dated April 5, 2013, does not indicate an individual in Part 3, Item 5.a. to 5.c., but does list the law firm of [REDACTED] in Item 5.d. The signature in Part 3, Item 8.a. appears to be that of [REDACTED] Esq.

documents that the instant appeal was submitted on behalf of [REDACTED] the petitioner's attorneys of record for the I-140 petition, and not on behalf of the petitioner.

As the appeal was not properly filed, and counsel indicates that the petitioner has not consented to having an appeal filed on its behalf, the appeal will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.