



**U.S. Citizenship
and Immigration
Services**

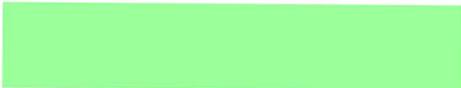
(b)(6)



DATE: **JUN 05 2013**

OFFICE: NEBRASKA SERVICE CENTER

FILE: 

IN RE: Petitioner: 
 Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a 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

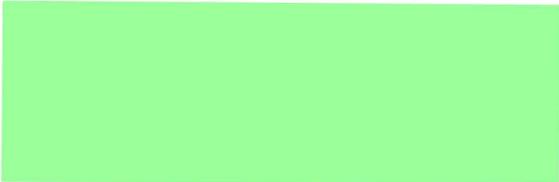
INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office 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,

A handwritten signature in black ink, appearing to be "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

CC: 

DISCUSSION: The Director, Nebraska Service Center (director), denied the employment-based immigrant visa petition. The petitioner appealed the decision to the Administrative Appeals Office (AAO). The appeal will be rejected.

The petitioner describes itself as a plastics material manufacturing business. It seeks to permanently employ the beneficiary in the United States as a public relations specialist. The petitioner requests classification of the beneficiary as a professional pursuant to section 203(b)(3)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)(A).

The director's decision denying the petition concludes that the beneficiary did not possess a U.S. bachelor's degree or foreign equivalent as required by the terms of the labor certification and for classification as a professional and that the petitioner has not established its ability to pay the beneficiary the proffered wage.

The Form I-290B Notice of Appeal or Motion was received on November 6, 2012. The form was signed by [REDACTED] however the appeal was not filed with a properly executed Form G-28. Effective March 4, 2010, the regulation at 8 C.F.R. § 292.4(a) requires that a new Form G-28 "must be filed with an appeal filed with the [AAO]." 8 C.F.R. § 292.4(a) further requires that the Form G-28 "must be properly completed and signed by the petitioner, applicant or respondent to authorize representation in order for the appearance to be recognized by the Department of Homeland Security (DHS).

On April 17, 2013, the AAO sent a facsimile to [REDACTED] notifying him that the appeal was filed without a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, signed by both himself and by an authorized official of the petitioning entity, dated subsequent to the director's decision and submitted to authorize his representation of the petitioner on appeal.¹ The AAO's facsimile notified [REDACTED] that without a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, authorizing him to represent the petitioner, we could not consider the appeal to have been properly filed. Pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2) and its subclauses, the AAO instructed [REDACTED] to submit a duly executed Form G-28 signed by himself and by an authorized official of the petitioning entity within ten (10) calendar days of the date of the facsimile. [REDACTED] was given notice that the failure to submit this required document would result in the rejection of the appeal as improperly filed.

As of the date of this letter, more than 30 days after the facsimile was sent, [REDACTED] has not responded. Therefore, we cannot consider the appeal to have been properly filed and it must be rejected.

ORDER: The appeal is rejected.

¹ The AAO received confirmation that the facsimile transmittal was successful.