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

(b)(6)

U.S. Citizenship and Immigration Services

DATE: JUN 0 5 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 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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: On April 18, 2007, the United States Citizenship and Immigration Services (USCIS), Texas Service Center (TSC), received an Immigrant Petition for Alien Worker, Form I-140, from the petitioner. The Director, Texas Service Center (the director), initially approved the preference visa petition. Subsequently, the director issued a Notice of Intent to Revoke (NOIR) the approval of the petition. In his Notice of Revocation (NOR), the director ultimately revoked the approval of the Form I-140 petition on April 4, 2012. The petitioner appealed the revocation to the Administrative Appeals Office (AAO). The appeal will be rejected as improperly filed pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2).

The petitioner describes itself as a jewelry company. It seeks to permanently employ the beneficiary in the United States as a jewelry model maker. 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).

As required by statute, the petition is submitted along with an approved Form ETA 9089 labor certification. This petition was revoked on April 4, 2012. The director determined that the petitioner misrepresented the beneficiary's work experience and that there was no *bona fide* job offer.

The Form I-290B, Notice of Appeal or Motion, in the instant case was received on April 23, 2012 and signed by as counsel.[1] It was accompanied by a Form-28 Notice of Entry of Appearance as Attorney or Representative signed and executed on April 7, 2007.

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 DHS." On March 19, 2013, the AAO sent a letter by fax to Mr. advising that the record does not contain a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, indicating that the petitioner in this case consented to the filing of the appeal and that without the Form G-28, the appeal would be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2). We afforded Mr. seven (7) days to respond. However, more than 60 days have elapsed and no response has been received.

Without a new, valid, and properly executed Form G-28, signed by an official of the petitioning entity, authorizing Mr. to sign and submit the Form I-290B, we cannot consider the appeal to have been properly filed. Pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2), the appeal is rejected as improperly filed.

Because the appeal is rejected, we will not elaborate on whether the beneficiary had the requisite work experience before the priority date and/or whether there was a *bona fide* job offer.

ORDER: The appeal is rejected as improperly filed.

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[1] A courtesy copy of this decision will be provided to Mr.