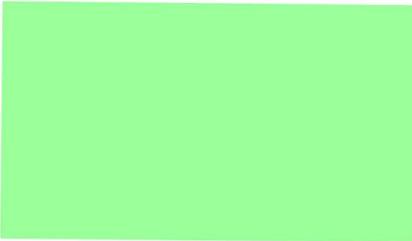




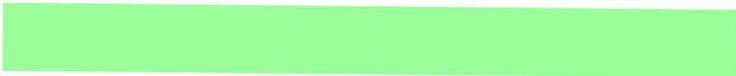
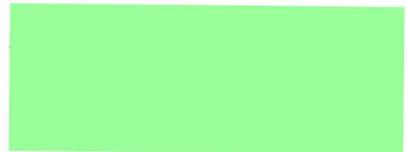
**U.S. Citizenship  
and Immigration  
Services**

(b)(6)



DATE: JUN 26 2013

OFFICE: NEBRASKA SERVICE CENTER



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:** The Director, Texas Service Center, denied the employment-based immigrant visa petition. The petitioner filed an appeal with the Administrative Appeals Office (AAO). The appeal was summarily dismissed. The petitioner then filed a motion to reopen and reconsider with the AAO. The matter is again before the AAO. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The petitioner describes itself as a Manufacturing of Steel Mold. It seeks to permanently employ the beneficiary in the United States as a Moldmaker. 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 summarily dismissing the appeal concludes that the petitioner failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The motion to reopen and reconsider filed on February 7, 2012 was not accompanied by a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, signed by both an authorized representative of your organization and the attorney of record.<sup>1</sup> 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." The AAO made multiple attempts to contact your organization and the attorney of record by fax, mail, and telephone to obtain a properly executed Form G-28 with no response. Therefore, we cannot consider you to be represented by the attorney of record. Additionally, there is no evidence in the record that the petitioner consented to the filing of the motion to reopen and reconsider.

On May 24, 2013 and on May 28, 2013, the AAO contacted your organization telephonically and requested to speak with [REDACTED] the individual who signed the petition. During the conversations, no one with whom the AAO spoke was able to verify that an individual named [REDACTED] is employed by your organization. The individual with whom the AAO spoke has not responded to the telephonic inquiry regarding the petition filed on the beneficiary's behalf. Therefore, it appears that the individual who signed the petition, [REDACTED] did not have the authority sign on behalf of your organization.

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<sup>1</sup> The record of proceeding contains a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, for the beneficiary's representative. Additionally, the Form I-290B, Notice of Appeal or Motion, was signed by the beneficiary's representative. The regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) specifically prohibits a beneficiary of a visa petition, or a representative acting on a beneficiary's behalf, from filing an appeal.

(b)(6)

Page 3

As the motion to reopen and reconsider was not properly filed, and it is unclear whether or not the petitioner consented to having a motion filed on its behalf, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

**ORDER:** The motion to reopen and reconsider is rejected.