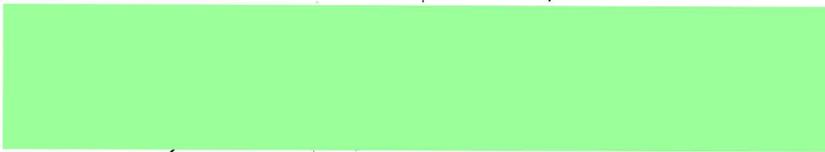




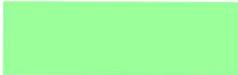
U.S. Citizenship  
and Immigration  
Services

(b)(6)



Date:

Office: TEXAS SERVICE CENTER

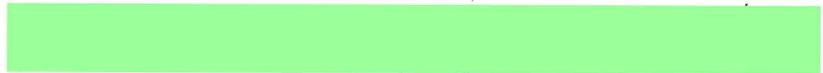
FILE: 

**MAR 29 2013**

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:** The Director, Texas Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed or, in the alternative, rejected as improperly filed pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party or the attorney or representative of record must file the complete appeal within 30 days of service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. See 8 C.F.R. § 103.8(b). The date of filing is not the date of mailing, but the date of actual receipt. See 8 C.F.R. § 103.2(a)(7)(i).

The director issued the decision on June 18, 2010. It is noted that the service center director properly gave notice to the petitioner that it had 33 days to file the appeal. Neither the Immigration and Nationality Act nor the pertinent regulations grant the AAO authority to extend this time limit.

The Form I-290B, Notice of Appeal or Motion, was not received by the service center until Friday, July 23, 2010, or thirty-five days after the decision was issued. Accordingly, the appeal was untimely filed.

As the appeal was untimely filed, the appeal must be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(B)(I).

In the alternative, the appeal must also be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I), as it has been filed by a person that is not entitled to file an appeal in this proceeding.<sup>1</sup> Accordingly, the appeal was improperly filed and must be rejected for this reason as well.

**ORDER:** The appeal is rejected.

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<sup>1</sup> The record reflects that the appeal was signed and filed by [REDACTED] who identified himself as a law school graduate and member of both the American Bar Association and International Bar Association on a Form G-28, Notice of Entry of Appearance as Attorney of Representative, which accompanied the appeal. Nevertheless, the record of proceeding indicates that [REDACTED] does not belong to any category of persons that United States Citizenship and Immigration Services (USCIS) authorizes to appear before it in a representative capacity. The unchecked boxes on the form indicate that this individual is neither an attorney nor an accredited representative of an organization recognized by the Board of Immigration Appeals. Although section 4 of the form identifies [REDACTED] as the designated representative for the petitioning company, the Form G-28 does not identify this individual as belonging to any category of persons that the regulation at 8 C.F.R. § 103.2(a)(3) entitles to represent a petitioner before USCIS. Further, neither [REDACTED] nor [REDACTED] is listed on the most recent Roster of Recognized Organizations and Accredited Representatives maintained by the Executive Office for Immigration and Review, available on the Internet at <http://www.usdoj.gov/eoir/statspub/raroster.htm> (accessed on March 19, 2013). Therefore, the petitioner must be considered to be self-represented, and the Form I-290B must be considered signed and filed by a party not having standing in this proceeding.