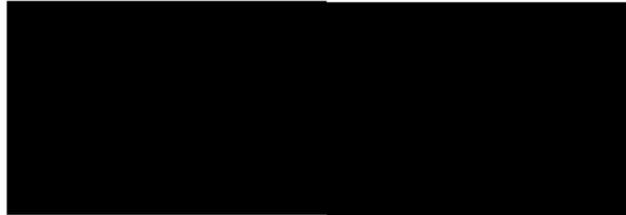


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protect privacy
invasion of personal privacy
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

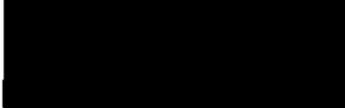


**U.S. Citizenship
and Immigration
Services**



B9

Date: **APR 02 2012**

Office: VERMONT SERVICE CENTER File: 

IN RE: 

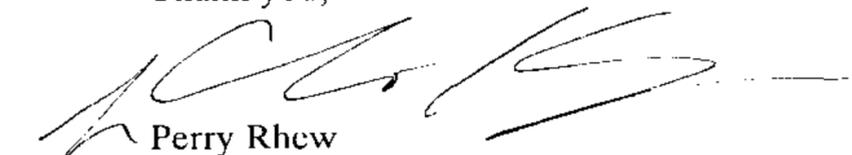
PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

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,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Vermont Service Center Director (the director) denied the immigrant visa petition (Form I-360) and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks immigrant classification under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by a United States citizen.

The director denied the petition because the petitioner failed to establish that her spouse subjected her to battery or extreme cruelty during their marriage and that she was a person of good moral character. The director affirmed his decision upon granting two subsequent motions to reopen and reconsider.

On March 22, 2011, [REDACTED] submitted a Form I-290B, Notice of Appeal to appeal the director's adverse decision. [REDACTED] did not attach a new Form G-28, Notice of Entry of Appearance as Attorney or Representative, along with the Form I-290B. On March 12, 2012, the AAO sent a facsimile to [REDACTED] requesting that he submit a properly executed Form G-28 for the appeal within seven days. In response to the AAO's request, [REDACTED] submitted a facsimile of a Form G-28 for Form I-360 which was submitted with the motion to reopen, dated January 15, 2010.

The regulation at 8 C.F.R. § 292.4(a) states, in pertinent part:

Authority to appear and act. An appearance must be filed on the appropriate form as prescribed by DHS by the attorney or accredited representative appearing in each case. The form 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 appearance will be recognized by the specific immigration component of DHS in which it was filed until the conclusion of the matter for which it was entered. *This does not change the requirement that a new form must be filed with an appeal filed with the Administrative Appeals Office of USCIS.* (Emphasis added)

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) states that, if an appeal is submitted by an attorney or representative without a properly executed Form G-28 entitling that person to file the appeal, the appeal is considered improperly filed. *See also* 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(iii). Here, while [REDACTED] is a licensed attorney and he submitted a Form G-28 with the original Form I-360 and first motion to reopen, he has failed to provide a newly executed Form G-28 authorizing him to represent the applicant on appeal; therefore, [REDACTED] is not entitled to file an appeal on behalf of the applicant. Accordingly, as the appeal was improperly filed, it must be rejected.

ORDER: The appeal is rejected.