

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: DEC 17 2012 Office: VERMONT SERVICE CENTER File: 

IN RE: Petitioner: 

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:

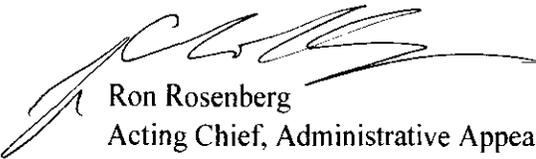
SELF-REPRESENTED

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.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630 or a request for a fee waiver. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,



Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Vermont Service Center director (“the director”) denied the immigrant visa petition. The Administrative Appeals Office (AAO) dismissed a subsequent appeal and a subsequent motion to reopen and reconsider. The matter is now before the AAO on a second motion to reopen and reconsider. The motion will be dismissed as improperly filed.

The petitioner seeks immigrant classification pursuant to 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 her spouse who is a citizen of the United States.

The director denied the petition on the basis that the petitioner failed to establish that she complied with section 204(c) of the Act, 8 U.S.C. § 1154(c). The AAO affirmed the director’s finding and found beyond the director’s decision that the petitioner had failed to establish that she is a person of good moral character as required by section 204(a)(1)(A)(iii)(II)(bb) of the Act.

A motion may only be filed by an affected party. 8 C.F.R. § 103.5(a). An affected party is a “person or entity with legal standing in a proceeding.” 8 C.F.R. § 103.3(a)(1)(iii)(B). An affected party may be represented by an attorney or accredited representative. *Id.* However, a motion filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the motion, shall be dismissed as improperly filed. 8 C.F.R. § 103.5(a)(4).

In this case, the Form I-290B Notice of Appeal or Motion was filed and signed by [REDACTED] who identified himself as an attorney or representative, but did not submit a current Form G-28. On November 6, 2012, the AAO attempted to contact [REDACTED] but the facsimile number he provided did not work. To date, the AAO has not received a properly executed Form G-28 from [REDACTED]

The motion was submitted by an individual who has not established that he is an attorney or representative entitled to represent the petitioner before U.S. Citizenship and Immigration Services (USCIS) pursuant to the regulations at 8 C.F.R. §§ 103.2(a)(3) and 292.1(a). Consequently, the motion must be dismissed as improperly filed.

ORDER: The motion is dismissed.