

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: Office: VERMONT SERVICE CENTER File: 

NOV 09 2012

IN RE: Petitioner: 

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

ON BEHALF OF PETITIONER:

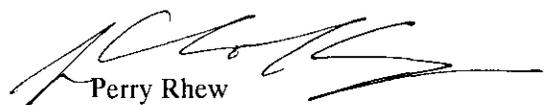
SELF-REPRESENTED

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,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Vermont Service Center director (“the director”) denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(B)(ii), as an alien battered or subjected to extreme cruelty by her spouse who is a lawful permanent resident of the United States. The director denied the petition for failure to establish the petitioner’s good moral character as required by section 204(a)(1)(B)(ii)(II)(bb) of the Act.

An appeal may only be filed by an affected party. 8 C.F.R. § 103.3(a)(2)(i). 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, an appeal 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 appeal, shall be considered improperly filed and any filing fee will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(A)(2). An appeal filed by a person not entitled to do so must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

In this case, the Form I-290B Notice of Appeal was filed and signed by [REDACTED] who identified himself as an attorney or representative with [REDACTED] but did not submit a Form G-28. On October 9, 2012, the AAO notified [REDACTED] that if it did not receive a properly executed Form G-28 by October 19, 2012, the appeal would be rejected as improperly filed. To date, the AAO has not received a properly executed Form G-28 from [REDACTED].

The appeal 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 appeal must be rejected as improperly filed.

ORDER: The appeal is rejected.