

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy
PUBLIC COPY

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



C1

DATE: **JUL 19 2012** OFFICE: CALIFORNIA SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

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,

Σ Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal.

The petitioner is a Roman Catholic religious order. It seeks to classify the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), to perform services as a minister/nun/nursing assistant. The director determined that petitioner had not established that the beneficiary had the required two years of continuous, qualifying work experience immediately preceding the filing date of the petition, because the beneficiary had engaged in unauthorized, secular employment that violated her nonimmigrant status.

Under the U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 292.4(a), as well as the instructions to the Form I-290B Notice of Appeal, if an attorney files an appeal with the Administrative Appeals Office, the filing must include a newly executed Form G-28 Notice of Entry of Appearance as Attorney or Representative, even if the record includes an older form from the same attorney. This regulation applies to all appeals filed on or after March 4, 2010. *See* 75 Fed. Reg. 5225 (February 2, 2010).

The petitioner filed the Form I-140 petition on February 9, 2011, with a Form G-28 dated February 1, 2011, naming [REDACTED] as the petitioner's attorney of record. The director denied the petition on November 18, 2011. [REDACTED] filed the appeal on December 21, 2011, but the filing did not include a new Form G-28 as required.

Under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2), if an appeal is otherwise properly filed without a Form G-28, then USCIS must contact the attorney and attempt to obtain the required form. Therefore, on June 6, 2012, the AAO instructed [REDACTED] to submit the required form within ten (10) calendar days. The AAO sent its request by facsimile to the number on the attorney's printed letterhead. The allotted time has elapsed, and the AAO has received no response from the attorney.

Because an attorney filed the appeal without a new, properly executed Form G-28, and has not provided the required form on request, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) requires the AAO to reject the appeal.

ORDER: The appeal is rejected.