

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY

D14



FILE:

EAC 08 062 50421

Office: VERMONT SERVICE CENTER

Date:

APR 08 2009

IN RE:

Petitioner:



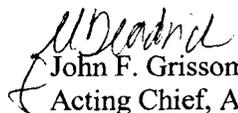
PETITION: Petition for U Nonimmigrant Classification as a Victim of a Qualifying Crime Pursuant to Section 1101(a)(15)(U) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

  
John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks nonimmigrant classification under section 101(a)(15)(U) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. § 1101(a)(15)(U), as an alien victim of certain qualifying criminal activity.

The director denied the petition on November 14, 2008. On December 17, 2008, an attorney submitted a Form I-290B, Notice of Appeal. The Form I-290B was signed by the attorney and submitted with a Form G-28, Notice of Appearance as Attorney, which was not signed by the petitioner. On March 5, 2009, the AAO notified the attorney that the Form G-28 was invalid and requested that he submit a properly executed Form G-28 signed by the petitioner within seven days. To date, the AAO has received no response from the attorney.

An appeal may only be filed by an affected party. 8 C.F.R. § 103.3(a)(2)(i). An affected party is the 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 in accordance with 8 C.F.R. § 292. *Id.* However, a notice of appearance entered in petition proceedings must be signed by the petitioner to authorize representation in order for the appearance to be recognized by U.S. Citizenship and Immigration Services (USCIS). 8 C.F.R. § 292.4(a). An appeal filed by an attorney without a properly executed Form G-28 is considered improperly filed. 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. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

The attorney is unauthorized to represent the petitioner in these proceedings because the petitioner did not sign the Form G-28. The attorney signed the Form I-290B even though he was not authorized to represent the petitioner and has no legal standing in these proceedings. Consequently, the appeal was improperly filed and must be rejected.

**ORDER:** The appeal is rejected.