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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



D14

Date: **APR 12 2012** Office: VERMONT SERVICE CENTER

FILE:



IN RE: PETITIONER:



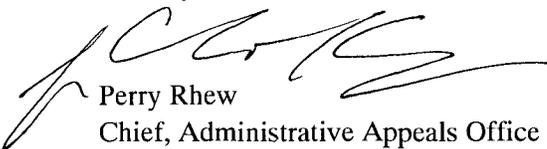
PETITION: Petition for U Nonimmigrant Classification as a Victim of a Qualifying Crime Pursuant to Section 101(a)(15)(U) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)

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 Director, Vermont Service Center, denied the Petition for U Nonimmigrant Status (Form I-918 U 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 the basis that the petitioner had failed to establish that he was the victim of qualifying criminal activity and consequently did not meet any of the eligibility criteria for U nonimmigrant classification. *See Director's Decision*, dated July 5, 2011. On August 8, 2011, [REDACTED] submitted a Form I-290B, Notice of Appeal to appeal the director's adverse decision. [REDACTED] did not attach a Form G-28, Notice of Entry of Appearance as Attorney or Representative, along with the Form I-290B.

On March 19, 2012, the AAO sent a facsimile to [REDACTED] requesting that she submit a properly executed Form G-28 for the appeal within seven days. In response to the AAO's request, [REDACTED] submitted a Form G-28 which was not completed by the petitioner to enable [REDACTED] to represent him on appeal. It is apparent that [REDACTED] originally had the petitioner sign the Form G-28 on December 8, 2009, in reference to "I-918, I-765 and I-192." The Form G-28 submitted by [REDACTED] on March 20, 2012 contains whited-out sections in regards to the date, contact information and immigration matter. Over the whited-out portions, "I-290" is hand-written for the immigration matter for which appearance is granted and "3/20/12" is hand-written for the date. [REDACTED] contact information has been altered and the petitioner's address has been completely whited-out. The significant and visible alterations to the Form G-28 submitted on March 20, 2012 indicate that the petitioner did not sign the altered form and render the form insufficient to establish [REDACTED] authorization to represent the petitioner in these proceedings.

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.<sup>1</sup> Here, while [REDACTED] is a licensed attorney and she submitted a Form G-28 with the original Form I-918 U petition, she has failed to provide a properly executed new Form G-28 authorizing her 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.

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<sup>1</sup> The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(iii) further provides that an appeal may be considered properly filed as of its original filing date only if the attorney or representative submits a properly executed Form G-28 entitling that person to file the appeal.