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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

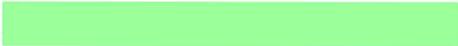


U.S. Citizenship
and Immigration
Services



DATE: **MAR 27 2013** 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,


Ron Rosenberg

Acting Chief, Administrative Appeals Office

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

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 determined that the petitioner had not complied with the regulation at 8 C.F.R. § 214.14(c)(2)(i) regarding the submission of required initial evidence. The petition was denied accordingly.

The petitioner appealed the director's decision by filing a Form I-290B Notice of Appeal or Motion, on November 27, 2012. The appeal was submitted by her alleged counsel, [REDACTED]

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2) states, in part, the following:

If an appeal is filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitled that person to file the appeal, the appeal is considered improperly filed.

Effective March 4, 2010, the regulation at 8 C.F.R. § 292.4(a) requires that a "new [Form G-28] must be filed with an appeal filed with the [AAO]" and that the Form G-28 "must be properly completed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS." Furthermore, the instructions on the Form I-290B Notice of Appeal require that a properly executed Form G-28 accompany the Form I-290B if filed by an attorney. The Form I-290B Notice of Appeal was signed by alleged counsel and filed on November 27, 2012, but was accompanied by a copy of a previously submitted Form G-28 signed by the petitioner on August 30, 2011. The record does not contain a new, properly executed Form G-28, signed by both counsel and petitioner in conjunction with the filing of the Form I-290B Notice of Appeal.

Accordingly, the appeal was improperly filed and must be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1), which calls for rejection of an improperly filed appeal where the person filing is not entitled to do so.

ORDER: The appeal is rejected. The petition remains denied.