



U.S. Citizenship
and Immigration
Services



B15

DATE: NOV 26 2012 Office: VERMONT SERVICE CENTER FILE: [Redacted]

IN RE: Petitioner: [Redacted]

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 nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected and 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 denied the petition because the petitioner failed to show that she had suffered substantial physical or mental abuse as the result of a qualifying criminal activity or that she possessed information about and had been helpful to law enforcement in the investigation and/or prosecution of said qualifying criminal activity. The director also noted that the petitioner is inadmissible and failed to file a Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. On November 1, 2010, an attorney filed a Form I-290B to appeal the director's adverse decision. Attached to the Form I-290B was a brief and additional evidence. The attorney did not however, attach a Form G-28, Notice of Entry of Appearance as Attorney or Representative, along with the appeal filing, as required under 8 C.F.R. § 292.4(a).

On October 15, 2012, the AAO sent a facsimile to the attorney requesting that he submit a properly executed Form G-28 within seven days. The AAO has not received any further communication from the petitioner or the attorney.

The regulation at 8 C.F.R. § 292.4(a) governs appearances by attorney or representatives. It states, in pertinent part: "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." Here, the appeal is not accompanied by a new, properly executed Form G-28. An appeal that is filed without a properly executed Form G-28 is considered an improperly filed appeal and it must be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i).¹

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

¹ The AAO also notes the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(iii), which 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.