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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**



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Date: **JUN 13 2012** Office: VERMONT SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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 of the 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 as improperly filed.

The petitioner claims to be an education organization with 24 employees. It seeks to employ the beneficiary as an Information Technology Specialist pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director denied the petition on March 5, 2010 concluding that the petitioner failed to establish that the proffered position qualifies as a specialty occupation.

On April 7, 2010, a Form I-290B, Notice of Appeal or Motion, was filed by counsel [REDACTED] with a new Form G-28, Notice of Entry of Appearance as Attorney or Representative allegedly signed by the petitioner. The submitted Form G-28, however, is not properly executed by an authorized official of the petitioning entity. Specifically, upon comparison of the petitioner's signatures on the original Form I-129 and Form G-28, it appears that the signature on the new Form G-28 is not that of the petitioner. In other words, the signatory's name is not on the Form G-28, and the signature is not an original signature of the petitioner's authorized agent in the record.

A Form G-28 must be personally signed by both the petitioner and counsel. A signature made pursuant to a verbal authorization or even a power of attorney, for example, is not acceptable for purposes of entering one's appearance in immigration matters before U.S. Citizenship and Immigration Services.

On March 26, 2012, this office sent counsel a fax notice requesting evidence that the signatory of the new Form G-28 submitted with the Form I-290B is an authorized official of the petitioning entity with supporting documents. In the fax notice, the AAO alternatively requested a new Form G-28 with the actual signature of the petitioner's authorized official. As of this date, the AAO has not received any response to this fax request.

Without a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, authorizing counsel to represent the petitioner in the proceeding of the instant appeal, the AAO cannot consider him to be the petitioner's attorney of record with regard to the appeal currently before it.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) provides in pertinent part that: "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) entitling that person to file the appeal, the appeal is considered improperly filed." In addition, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) provides that: "An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed."

The instant appeal must be considered as filed by a person not entitled to file the appeal and, therefore, must be rejected as improperly filed.

ORDER: The appeal is rejected.