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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: NOV 01 2011

Office: CALIFORNIA SERVICE CENTER

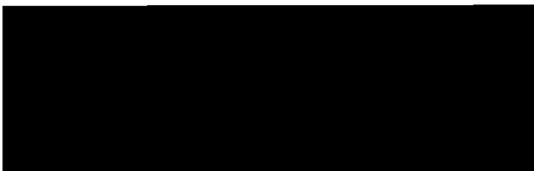
FILE: 

IN RE: Petitioner:
Beneficiary:



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

ON BEHALF OF PETITIONER:



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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the nonimmigrant visa petition. An appeal was subsequently filed with the Administrative Appeals Office (AAO). The AAO will reject the appeal as improperly filed.

The Form I-290B, Notice of Appeal or Motion, was filed by [REDACTED] on March 23, 2009. [REDACTED] states in her brief that she represents the beneficiary as "substituted counsel."¹ [REDACTED] did not submit an executed Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing her representation of the petitioner for purposes of filing the appeal.

Under the U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 292.4(a), as well as the instructions to the Form I-290B, if an attorney files an appeal with the Administrative Appeals Office, the filing must include an executed Form G-28. The form instructions go on to state further that an attorney or representative must submit a Form G-28 with the appeal or motion and failure to do so will result in the dismissal or rejection of the appeal or motion.

In addition, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) states that, if an appeal is filed 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.

Under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(iii), if an appeal is otherwise properly filed without a Form G-28, then USCIS must contact the attorney and attempt to obtain the required form. Therefore, on September 29, 2011, the AAO instructed [REDACTED] to submit the required form on or before October 7, 2011. The AAO sent its request by facsimile to the number provided on the Form I-290B. The allotted time has elapsed, and the AAO has received no response from [REDACTED] or her firm.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) states that, if an appeal is filed 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. Accordingly, as the appeal was improperly filed, it must be rejected.

ORDER: The appeal is rejected.

¹ The record contains a properly executed Form G-28 authorizing [REDACTED] to represent the petitioning company. The Form G-28 was dated December 22, 2008 and submitted with the nonimmigrant petition at the time it was filed.