

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office  
20 Massachusetts Avenue, N.W. MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

[REDACTED]

H5

DATE: **DEC 18 2012**

OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

(RELATES: [REDACTED])

(RELATES: [REDACTED])

IN RE: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(i)

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.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601) was denied by the Director, California Service Center, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native and citizen of Mexico who was found to be inadmissible to the United States pursuant section 212(a)(6)(C)(i) of the Act, 8 U.S.C. 1182(a)(6)(C)(i), for attempting to procure admission into the United States through willful misrepresentation of a material fact. The applicant is the beneficiary of an approved Form I-130, Petition for Alien Relative, and she seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. §1182(i), in order to live in the United States with her children.

On March 15, 2011, the director denied the applicant's waiver application based on her failure to establish that she had a qualifying relative for section 212(i) of the Act purposes.

On March 28, 2011, the applicant, through counsel, submitted an appeal to the AAO. Attorney [REDACTED] signed the applicant's Form I-290B, Notice of Appeal or Motion. The record, however, does not contain a new and properly executed Form G-28 signed by both the applicant and the attorney.

In accordance with the regulation at 8 C.F.R. § 292.4(a) as well as the instructions on the Form I-290B, a "new [Form G-28] must be filed with an appeal filed with the Administrative Appeals Office." This regulation applies to all appeals filed on or after March 4, 2010. *See* 75 Fed. Reg. 5225 (Feb. 2, 2010).

The AAO sent a fax to attorney [REDACTED] on November 21, 2012, informing her that the applicant's appeal was improperly filed, and allowing her fifteen days to submit a new and properly executed Form G-28. No response was received.

Without a new, fully executed Form G-28 authorizing counsel to represent the applicant, the AAO cannot consider the appeal to have been properly filed. As required by 8 C.F.R. § 103.3(a)(2)(v)(A)(2) and its subclauses, a notice was sent to the attorney on July 11, 2012, and the attorney failed to submit this required document. Under 8 C.F.R. § 103.3(a)(2)(v)(A)(1), failure to submit the fully executed Form G-28 will result in the rejection of the appeal as improperly filed.

The AAO finds that the applicant's appeal was improperly filed. Accordingly, the appeal must be rejected.

**ORDER:** The appeal is rejected.