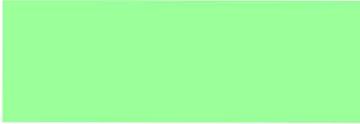




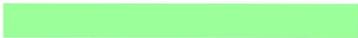
U.S. Citizenship
and Immigration
Services

(b)(6)



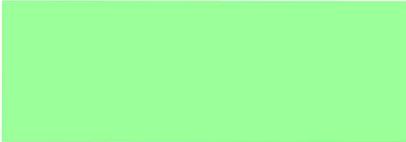
Date: Office: TUCSON, ARIZONA

FILE: 

IN RE: **FEB 14 2013** Applicant: 

APPLICATIONS: Application for Waiver of Grounds of Inadmissibility under sections 212(a)(9)(B)(v) and 212(i) of the Immigration and Nationality Act, 8 U.S.C. §§ 1182(a)(9)(B)(v) and 1182(i)

ON BEHALF OF APPLICANT:



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 waiver application was denied by the Field Office Director, Tucson, Arizona, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the applicant is a native and citizen of Mexico who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for procuring admission to the United States through fraud or the willful misrepresentation of a material fact; and section 212(a)(9)(B)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year and seeking readmission within ten years of her last departure from the United States. The applicant is married to a U.S. citizen and is the mother of five U.S. citizen children. She is the beneficiary of an approved Form I-130, Petition for Alien Relative. The applicant seeks a waiver of inadmissibility pursuant to sections 212(a)(9)(B)(v) and 212(i) of the Act, 8 U.S.C. §§ 1182(a)(9)(B)(v) and 1182(i), in order to reside in the United States with her children.

The Field Office Director found that the applicant had failed to establish that extreme hardship would be imposed on the applicant's qualifying relative and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) accordingly. *Decision of the Field Office Director*, dated May 3, 2012.

On June 4, 2012, the applicant, through counsel, submitted an appeal to the AAO. Counsel signed the Form I-290B, Notice of Appeal or Motion, as the applicant's attorney. The record, however, does not contain a new and properly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative (Form G-28), signed by both the attorney and the applicant.

In accordance with United States Citizenship and Immigration Services (USCIS) regulations at 8 C.F.R. § 292.4(a) as well as the instructions to 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).

On November 5, 2012, the AAO sent counsel a facsimile requesting a new, fully executed Form G-28, signed by both counsel and the applicant; however, the AAO received no reply from counsel.

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 November 5, 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.