



U.S. Citizenship
and Immigration
Services

(b)(6)

Date: JAN 24 2013

Office: NEW DELHI, INDIA

FILE: [REDACTED]

IN RE: Applicant: [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 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,

[Handwritten signature]

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, New Delhi, India, 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 India 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 attempting to procure admission to the United States through fraud or misrepresentation. The record indicates that the applicant misrepresented material facts during an interview for an E-3 employment-based immigrant visa at the U.S. Consulate in Mumbai, India. The applicant is married to a lawful permanent resident of the United States and seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside with her husband and son in the United States.

The field office director concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the Application for Waiver of Ground of Excludability (Form I-601) accordingly. *Decision of the Field Office Director*, dated April 9, 2012.

On May 8, 2012, counsel for the applicant filed a Form I-290B, Notice of Appeal or Motion. Counsel signed the Form I-290B 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, signed by both counsel and the applicant.

In accordance with 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, 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 1, 2012, the AAO sent a facsimile transmission to the applicant's attorney to advise the attorney of the requirement to file a new Form G-28. The facsimile transmission advised the attorney that, as required by 8 C.F.R. § 103.3(a)(2)(v)(A)(2) and its subclauses, he must submit a duly executed Form G-28 signed by the attorney and the applicant within fifteen (15) calendar days of the date of the transmission, and that failure to submit this required document will result in the rejection of the appeal as improperly filed, under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

The AAO has not received a response to this facsimile transmission. As there is no duly executed Form G-28 on the record, the appeal must be rejected.

ORDER: The appeal is rejected.