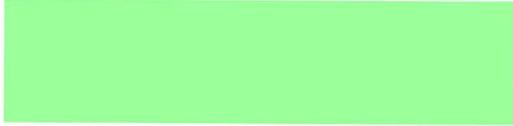


(b)(6)

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



DATE: **MAR 09 2013** OFFICE: PHOENIX, ARIZONA

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:

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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Field Office Director, Phoenix, Arizona. 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 to section 212(a)(6)(C)(i) of the Act for having obtained a benefit under the Act through fraud or misrepresentation. The applicant's spouse and children are U.S. citizens and he seeks a waiver of inadmissibility in order to reside in the United States.

The field office director found that the applicant had failed to establish extreme hardship to a qualifying relative and the application was denied accordingly. *Decision of Field Office Director*, dated September 7, 2011.

On October 6, 2011, 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 September 25, 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, she 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.