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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

PUBLIC COPY



**U.S. Citizenship
and Immigration
Services**



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DATE: DEC 02 2011 OFFICE: CALIFORNIA SERVICE CENTER 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

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.

Thank you,

A handwritten signature in black ink, appearing to read "Perry Rhew".

 Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject 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 Notice of Appeal, if an attorney files an appeal with the Administrative Appeals Office, the filing must include a newly executed Form G-28 Notice of Entry of Appearance as Attorney or Representative, even if the record includes an older form from the same attorney. This regulation applies to all appeals filed on or after March 4, 2010. *See* 75 Fed. Reg. 5225 (February 2, 2010).

The petitioner filed the Form I-360 petition on February 2, 2009, with a Form G-28 dated October 29, 2008, naming [REDACTED] as the petitioner's attorney of record. The director denied the petition on April 5, 2010. [REDACTED] filed the appeal on May 5, 2010, but the filing did not include a new Form G-28 as required.

In correspondence dated October 12, 2011, [REDACTED] advised the AAO that the beneficiary "wish[es] to withdraw the . . . appeal. . . . [REDACTED] is no longer representing [the beneficiary] regarding the above-mentioned appeal."

Under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2), 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 November 2, 2011, the AAO instructed [REDACTED] to submit the required form within fourteen (14) calendar days.

The AAO also notified [REDACTED] that the beneficiary has no standing in this matter under the regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B). Therefore, the beneficiary has no authority to withdraw the appeal. The AAO therefore instructed [REDACTED] to obtain a letter from the petitioner to confirm its intention to withdraw the appeal.

The AAO sent its request by facsimile to the number on [REDACTED] printed letterhead. The allotted time has elapsed, and the AAO has received no response from [REDACTED]. The AAO cannot acknowledge the beneficiary's request to withdraw the appeal. Instead, because the attorney filed the appeal without a new, properly executed Form G-28, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) requires the AAO to reject the appeal.

ORDER: The appeal is rejected.