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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: FEB 12 2004

IN RE: Petitioner:
Beneficiary: [redacted]

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reconsider. The motion to reconsider will be summarily dismissed.

The AAO noted in its initial decision that the Form G-28, Notice of Entry of Appearance as Attorney or Representative, designating as the petitioner's attorney, had been superseded by a more recent Form G-28 designating different counsel. The instant motion was filed by the petitioner's prior counsel, Mr however, Mr has not filed a new G-28 with authorization from the petitioner to represent him in the motion. Under 8 C.F.R. § 292.4, Mr previous representation has been superseded by a subsequently filed G-28. The AAO requested Mr to submit a Form G-28 authorizing his representation of the petitioner on this motion. However, the Form G-28 submitted is dated in 1998, while the more current form is dated in 2002. We will consider all representations of record; however, a copy of the decision will only be furnished to the petitioner.

A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Citizenship and Immigration Services (CIS) policy. 8 C.F.R. § 103.5(a)(3).

On motion, the petitioner states that the documentation submitted clearly establishes him as an alien of extraordinary ability. The petitioner submits no new evidence and presents no arguments based on precedential decisions establishing that the AAO's decision was based on an incorrect application of law or policy. As no new evidence has been presented to overcome the grounds for the previous dismissal, and no reasons set forth indicating that the decision was based on an incorrect application of law, the motion will be dismissed.

ORDER: The motion is dismissed. The AAO's decision of April 8, 2003 is affirmed and the petition is denied.