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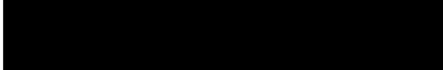
U.S. Citizenship
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Services

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FILE: LIN 05 237 51863 Office: NEBRASKA SERVICE CENTER Date: **MAY 01 2007**

IN RE: Petitioner: 
Beneficiary: 

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner designs, produces, and assembles outdoor lawn equipment, employs six¹ individuals, and has a gross annual income of \$1,332,943. It seeks to employ the beneficiary as its director of operations. Accordingly, the petitioner endeavors to classify the beneficiary as a nonimmigrant pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director denied the petition determining that the proffered position is not a specialty occupation.

On February 20, 2007, the AAO informed the petitioner and [REDACTED] that the Form G-28, Notice of Entry of Appearance of Attorney or Representative did not establish E [REDACTED]'s eligibility to appear either as an attorney or as an accredited representative of an organization recognized and accredited by the Board of Immigration Appeals as defined in 8 C.F.R. §§ 103.2 and 292.1(a)(4) before the agency. The AAO allowed fifteen (15) days for a response demonstrating that Ms. [REDACTED] had been admitted to practice law and certification that she was in good standing or a copy of the Board of Immigration Appeals decision granting her application for accreditation as a representative of a recognized organization. As of this date the record does not contain a response. Accordingly, the AAO will reject the appeal pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.

¹ The Form I-129 indicates that the petitioner employs six individuals, however in the response to the director's RFE, the petitioner indicates it currently employs five individuals and the sixth employee will hold the proffered position.