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

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FILE: SRC 03 102 50030 Office: TEXAS SERVICE CENTER Date: JUL 23 2004

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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:



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

for Robert P. Wiemann, Director
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, because the attorney submitting the appeal on behalf of the petitioner failed to file a Notice of Entry of Appearance as Attorney or Representative (Form G-28).

The petitioner is a technology and investment firm that seeks to employ the beneficiary as a lead interpreter/translator. The petitioner endeavors to classify the beneficiary as a nonimmigrant worker in a specialty occupation 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 on the basis that the proffered position did not meet the definition of a specialty occupation.

The affected party shall file an appeal on Form I-290B. 8 C.F.R. § 103.3(a)(2)(i). Pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2), if an appeal is filed by an attorney or representative without a properly executed Form G-28 entitling that person to file the appeal, the appeal is considered improperly filed. The AAO attempted to contact Khaleel & Associates, P.C., the law office that submitted the appeal in the instant case, in order to give the attorney a chance to file a Form G-28. None of the telephone numbers listed for this law office was operational, however. As the attorney did not submit a Form G-28, and there is no evidence that the affected party filed the appeal, the appeal must be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2).

ORDER: The appeal is rejected.