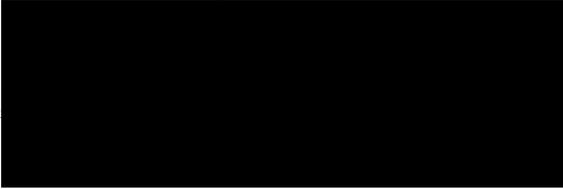




U.S. Citizenship
and Immigration
Services

D2



FILE: SRC 03 042 50717 Office: TEXAS SERVICE CENTER Date: JUL 30 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:

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 Pluseon

Robert P. Wiemann, Director
Administrative Appeals Office

cc: ~~ANTONIA PUIG~~
~~JESUS IS LORD INTERNATIONAL~~
~~325 MAPEL AVENUE~~
~~KISSIMMEE, FL 34741~~

Identifying data deleted to
prevent disclosure of unwarranted
invasion of personal privacy

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 is a cleaning service that seeks to employ the beneficiary as a marketing specialist. 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 Form G-28 Entry of Appearance as Attorney or Representative that was submitted in conjunction with the appeal was signed by [REDACTED] who identified herself on the form as "a representative from a Religious Organization to the services of the community, legally established in the United States."

Citizenship and Immigration Services (CIS) regulations at 8 C.F.R. § 103.2(a)(3) specifies that a petitioner may be represented "by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) or this chapter." Pursuant to 8 C.F.R. §§ 292.1(a)(4) and 292.2(a), an accredited representative is a person that the Board of Immigration Appeals (BIA) has accredited to represent a particular "non-profit religious, charitable, social service, or similar organization established in the United States" that the BIA has recognized as an organization which may provide accredited representatives. Paralegals are not included among these three types of persons.

Clearly, Antonia Puig is not attempting to enter an appearance as an attorney, and there is no evidence that she has been accredited by the BIA as a representative of a BIA-recognized organization, or, for that matter, that her organization, Jesus is Lord, has been recognized by the BIA as a non-profit religious, charitable, social service, or similar organization that is qualified to provide accredited representatives.

In addition, the beneficiary, not an authorized representative of the petitioner, signed the Form G-28 that was submitted in conjunction with the appeal. CIS regulations specifically state that a beneficiary of a visa petition is not a recognized party in a proceeding. 8 C.F.R. § 103.2(a)(3). As the beneficiary and her representative are not recognized parties, neither was authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). Accordingly, the AAO will reject the appeal pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.