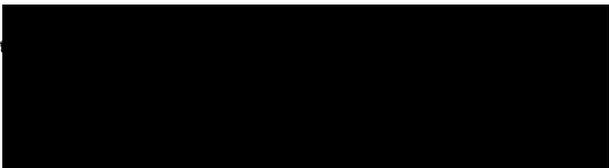


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U.S. Department of Homeland Security
20 Massachusetts Avenue, NW, Rm. A3042
Washington, DC 20529



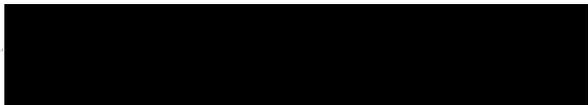
U.S. Citizenship
and Immigration
Services



FILE: WAC 02 254 51010 Office: CALIFORNIA SERVICE CENTER

NOV 20 2004

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:

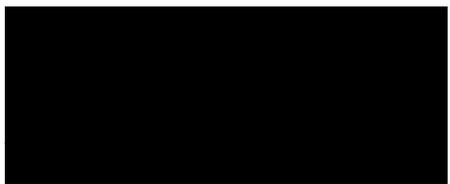
SELF-REPRESENTED

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, Director
Administrative Appeals Office

CC:



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Identifying data deleted to
protect against unauthorized
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 an elderly care service that seeks to employ the beneficiary as a caregiver. 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 and the beneficiary is not qualified to perform a specialty occupation.

The Form I-290B, Notice of Appeal to the Administrative Appeals Unit, is not signed by an authorized representative of the petitioner as required by Citizenship and Immigration Services (CIS) regulations. The regulation 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) of this chapter.” 8 C.F.R. § 103.2(a)(3).

The person who filed the Form I-290B and who is listed on the Form G-28, Entry of Appearance as Attorney or Representative, does not meet the terms of the regulations and, therefore, is not an authorized representative. 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.