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U.S. Citizenship  
and Immigration  
Services

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FILE: WAC 04 209 51453 Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Petitioner:  
Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(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

**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 general dentistry practice that seeks to employ the beneficiary as a patient care coordinator. The petitioner therefore filed the H-1B petition 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition on the basis that the petitioner had failed to establish that the proffered position meets the definition of a specialty occupation as set forth at 8 C.F.R. § 214.2(h)(4)(iii)(A).

No Form G-28 (Entry of Appearance as Attorney or Representative) has been filed at any stage in the adjudication of this case. The Form I-290B (Notice of Appeal), signed by a Mr. [REDACTED], does not identify the person or other entity on whose behalf he is filing the appeal. The return address on the U.S. Postal Services Express Mail package used to file the Form I-290B identifies [REDACTED] as working for the People Development & Resource Corporation (PD&RC), and there is no indication anywhere in the record that Mr. [REDACTED] is an attorney or that the PD&RC is a law firm.

The Citizenship and Immigration Services (CIS) regulation 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 [8 C.F.R. § 1.1(f)], by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter [8 C.F.R. § 292.1(a)(6)], or by an accredited representative as defined in § 292.1(a)(4) of this chapter [8 C.F.R. § 292.1(a)(4)].” Pursuant to 8 C.F.R. §§ 292.1(a)(4) and 292.2(a) and (d), 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.

CIS regulations specifically state that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(I). Here, the person who filed the appeal was not entitled to do so. 8 C.F.R. § 103.2(a)(3). 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.