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**U.S. Citizenship
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FILE: EAC 02 284 52550 Office: VERMONT SERVICE CENTER Date: **JUL 20 2005**

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: 

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 nursing home that seeks to employ the beneficiary as a supervisory nurse. 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 record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative. The Form I-290B, Notice of Appeal to the Administrative Appeals Office, was signed by an attorney. Pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(iii), the AAO contacted the attorney's office three times, twice by phone (June 15, 2005 and June 22, 2005) and once by fax (June 29, 2005), requesting that a Form G-28 signed by the petitioner be submitted. The attorney did not respond to these requests; as there is no Form G-28 on record, counsel is not authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). Accordingly, the AAO will reject the appeal without refund of the filing fee pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.