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U.S. Citizenship
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Services

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invasion of personal privacy**

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JUN 22 2005



FILE: LIN 03 084 53578 Office: NEBRASKS SERVICE CENTER Date:

IN RE: Petitioner:
Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(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 hotel that filed the H-2B petition to employ the beneficiaries as housekeepers for the period November 1, 2002 to June 30, 2003. The director denied the petition on the basis that the period for which the Department of Labor had approved a temporary labor certification had expired. The director also noted that the period of the beneficiaries' nonimmigrant stay had expired before the petition was filed.

The Form G-28 (Entry of Appearance as Attorney or Representative) that was submitted in conjunction with the appeal designates [REDACTED] as the petitioner's representative. [REDACTED] letter of December 30, 2003 indicates that [REDACTED] president of Distributed Labor on Demand International, Inc. (DLD International), which section 4 of the Form G-28 describes as "a company designated for the purpose of retaining international workers for U[.]S[.] companies/employers.

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.

Clearly, [REDACTED] not attempting to enter an appearance as an attorney, and there is no evidence that he has been accredited by the BIA as a representative of a BIA-recognized organization, or, for that matter, that his firm, DLD International, has been recognized by the BIA as a non-profit religious, charitable, social service, or similar organization that is qualified to 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.