



U.S. Citizenship
and Immigration
Services

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DA

MAR 16 2007

FILE: EAC 07 023 51475 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner:
Beneficiaries:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(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, Chief
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Acting Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner operates a cleaning service. It desires to employ the beneficiaries as office cleaners for six months. The acting director determined that the petitioner had not submitted a temporary labor certification from the Department of Labor (DOL) or notice stating that such certification could not be made prior to the filing date of the petition and denied the petition.

The U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) provides that an appeal filed with USCIS by a person not entitled to file it “must be rejected as improperly filed.”

The regulation at 8 C.F.R. § 292.1 identifies the persons entitled to appear before USCIS in a representative capacity. A person appearing before USCIS in a representative capacity must file a Form G-28 (Notice of Entry of Appearance as Attorney or Representative), signed by the petitioner, that identifies the provisions of 8 C.F.R. § 292.1 under which he or she is entitled to represent the petitioner before USCIS. *See* 8 C.F.R. § 292.4(a).

By letter dated February 20, 2007, the AAO provided the person who signed the Form I-290B (Notice of Appeal) and submitted the appeal in this proceeding the opportunity to provide proof of his authority to appear as an attorney or accredited representative pursuant to 8 C.F.R. § 292.4(a). The person who filed the appeal and signed Form G-28 was asked to provide proof of admission to practice law and certification that he is in good standing, or, a copy of the Board of Immigration Appeals (BIA) decision granting his application for accreditation as a representative of a recognized organization. The AAO requested such evidence be submitted to USCIS within 15 days of the date of the letter, or, the petitioner would be treated as unrepresented.

To date, the representative has not provided proof of status as one entitled to represent the petitioner before USCIS in accordance with the provisions of 8 C.F.R. § 292.1. 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.