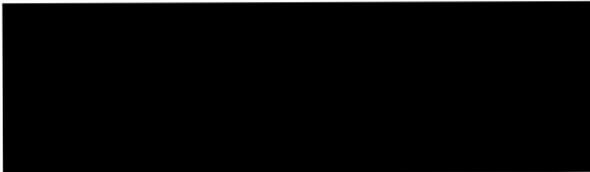


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and Immigration  
Services**

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07

File: SRC 05 112 50452 Office: TEXAS SERVICE CENTER Date: **OCT 23 2006**

IN RE: Petitioner:  
Beneficiary:



Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

IN 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The petitioner filed this nonimmigrant petition seeking to extend the employment of the beneficiary as its executive manager as an L-1A nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a corporation organized under the laws of the State of Florida, claims to be a retailer of rawhide products. The director denied the petition concluding that the petitioner failed to establish that the beneficiary will be employed primarily in a managerial or executive capacity.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review.

The record shows that [REDACTED] filed the appeal on behalf of the petitioner as a "representative" using the petitioner's letterhead. Mr. [REDACTED] submitted an entry of appearance (Form G-28) on behalf of the petitioner not as an attorney or accredited representative, but as the petitioner's "authorized representative." The record does not identify Mr. [REDACTED] as an employee, officer, or director of the petitioner.

The 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, 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. § 292.1(a)(3) also permits reputable individuals to represent a petitioner in certain circumstances. An accredited representative is defined in 8 C.F.R. § 292.1(a)(4) as a representative of an organization described in 8 C.F.R. § 292.2, which, in turn, states that only non-profit religious, charitable, social service, or similar organizations recognized by the Board of Immigration Appeals may be so classified.

In this case, the record fails to establish that Mr. [REDACTED] falls within any of the categories of representatives authorized by immigration regulations to file an appeal on behalf of the petitioner. The record does not reveal that he is an "accredited representative" and does not include those materials necessary to permit Mr. [REDACTED] to represent the petitioner as a "reputable individual." The fact that Mr. [REDACTED] included a cover letter with the appeal using the petitioner's letterhead does not allow him to act as an "authorized representative" of the petitioner.

"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).

Therefore, as Mr. [REDACTED] is not entitled and not authorized to represent the petitioner in this matter, the appeal must be rejected as improperly filed.<sup>1</sup>

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<sup>1</sup>It should be noted that 8 C.F.R. § 103.3(a)(1)(v) requires an officer to whom an appeal is taken to summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. In this matter, the petitioner has failed to identify specifically an erroneous

**ORDER:**                   The appeal is rejected.

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conclusion of law or a statement of fact in this proceeding. Therefore, the appeal would be summarily dismissed if it were not being rejected for the reasons given in this decision.