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U.S. Citizenship
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File: SRC 04 146 52150 Office: TEXAS SERVICE CENTER Date: JUN 05 2007

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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.


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 employ the beneficiary in the position of assistant manager as an L-1B nonimmigrant intracompany transferee having specialized knowledge 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 limited partnership established under the laws of the State of Texas, claims to operate a steak house restaurant. The director denied the petition concluding that the petitioner failed to establish that the beneficiary will be employed in a position involving specialized knowledge.

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] of the Law Office of [REDACTED] filed the appeal on behalf of the petitioner as a representative associated with an attorney admitted to the Bar of the State of Texas. However, the record does not indicate that [REDACTED] is an attorney or authorized representative, and the attorney with whom [REDACTED] claims an affiliation, [REDACTED], signed neither the Form G-28 nor the Form I-290B. To the contrary, [REDACTED] signed the Form G-28, the Form I-290B, and the cover letter attached to the appeal. Furthermore, [REDACTED] signed both the Form I-129 as a preparer and the letter sent in response to the director's Request for Evidence, albeit using [REDACTED]'s letterhead.

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 limited 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 [REDACTED] falls within any of the categories of representatives authorized by the regulations to file an appeal on behalf of the petitioner. The fact that [REDACTED] claims to be affiliated with a member of the Bar of the State of Texas in Item #3 on the Form G-28 will not permit him to sign the Form I-290B as a representative for two reasons. First, [REDACTED] did not sign a Form G-28. To the contrary, the G-28 in the record was signed by the non-attorney, unauthorized representative, [REDACTED]. Therefore, as an attorney or authorized representative had not entered his appearance initially, any claimed delegation of authority under Item #3 on the Form G-28 by that attorney would have no effect. Second, even if [REDACTED] had entered his appearance on a Form G-28, Item #3 cannot be used to delegate authority to file and sign documents to an individual who is not otherwise authorized to do so under the regulations. The regulations clearly define who may represent a petitioner and sign immigration forms, and authorized representatives may not expand upon this definition by using the Form G-28 to delegate signature authority to otherwise unauthorized representatives, e.g., a notario, notario publico, notary public, paralegal, secretary, assistant, or immigration consultant.

"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)(1).

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

ORDER: The appeal is rejected.