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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: WAC 01 295 52054 Office: CALIFORNIA SERVICE CENTER Date: APR 0

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)

ON BEHALF OF BENEFICIARY: 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, California 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.

The petitioner states that it operates retail general merchandise stores. It seeks to extend its authorization to employ the beneficiary temporarily in the United States as its executive general manager. The director denied the petition based on the conclusion that the petitioner failed to establish that (1) the beneficiary has been and will continue to be employed in a managerial or executive capacity; and (2) a qualifying relationship exists between the petitioner and the foreign entity.

The claimed counsel for the petitioner, [REDACTED] filed the I-290B in this matter. Although it was timely filed and accompanied by the required fee, the Entry of Appearance as Attorney or Representative (Form G-28) that was submitted for the record does not provide a basis for counsel to enter his appearance as an authorized representative of the petitioner. Specifically, while counsel claims on the Form G-28 that he is a member in good standing of the Supreme Court of Texas under state license number [REDACTED], a review of Texas Bar records shows that the number listed is assigned to another attorney practicing in Austin, Texas. Based on the foregoing, counsel has failed to demonstrate that he is authorized under 8 C.F.R. § 292.1 to enter his appearance on behalf of the petitioner and file the present appeal.¹

Citizenship and Immigration Services regulations specifically prohibit the filing of an appeal by a person or entity not entitled to file it. 8 C.F.R. § 103.3(a)(2)(v)(A)(1). As counsel is not an authorized representative, counsel is not authorized to file an appeal, and it must therefore be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1); 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i).

As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.

¹ Pursuant to 8 C.F.R. § 292.4(a), Bar Counsel for CIS sent a letter to [REDACTED] at his three addresses of record in Arizona on July 26, 2007, requesting that he submit evidence of his admission to practice law within ten business days. As of the date of this decision, no response has been received.