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U.S. Citizenship
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FILE: WAC 08 107 51026 Office: CALIFORNIA SERVICE CENTER Date: NOV 03 2008

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

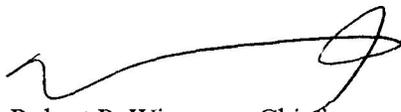
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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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 as improperly filed.

The petitioner filed this nonimmigrant petition seeking to employ the beneficiary as an L-1B nonimmigrant intracompany transferee with 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, an electronics design company, claims to be an affiliate of the beneficiary's foreign employer, Silicon & Software Systems Polska Sp.z.o.o., located in Wroclaw, Poland. The petitioner seeks to employ the beneficiary as a systems analyst for a period of two years.

The director denied the petition on two separate grounds. Citing to the L-1 Visa Reform Act of 2004, the director concluded that the beneficiary, who will be stationed at a worksite of an unaffiliated employer, will be employed in a position which is essentially an arrangement to provide labor for hire for that employer, Qualcomm, Inc., rather than a placement involving the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary. Section 214(c)(2)(F)(ii) of the Act. The director further found that the petitioner failed to establish that the beneficiary would be controlled and supervised principally by the petitioning company while employed at the unaffiliated employer's worksite and, therefore, has not satisfied the requirements of Section 214(c)(2)(F)(i) of the Act.

A representative for the petitioner, who is identified on several documents in the record as an "expatriate consultant," filed a Form I-290B, Notice of Appeal or Motion, on May 27, 2008. The Form I-290B was signed by the representative, and accompanied by a Form G-28, Notice of Entry of Appearance as Attorney or Representative. On the Form G-28, the representative marked that she is neither an attorney nor an accredited representative with a recognized religious, charitable, social service or similar organization, but rather "acting as a representative at the request of [the petitioner]."

U.S. Citizenship and Immigration Services (USCIS) regulations specifically limit the filing of an appeal to an affected party (the person or entity with legal standing) and/or to the party's attorney or representative authorized pursuant to 8 C.F.R. § 292. See 8 C.F.R. § 103.3(a)(1)(iii)(B). In this matter, although the petition is accompanied by a Form G-28, the representative has not established that she is a licensed attorney or an accredited representative authorized to undertake representations on the petitioner's behalf. See 8 C.F.R. § 292.1. Accordingly, the representative's appearance will not be recognized, and the appeal filed by the unauthorized representative in this matter must be considered as improperly filed. 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.