

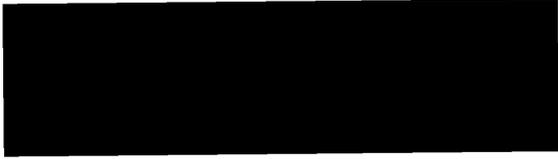


DA

U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



Public Copy

File: EAC-99-168-51568 Office: Vermont Service Center

Date: OCT 02 2001

IN RE: Petitioner:

Beneficiary:



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

IN BEHALF OF PETITIONER:



emerging data do
event clearly warranted
violation of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Myra L. Rosenbly
for Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

The petitioner is a soccer club. The beneficiary is a professional soccer player. The petitioner filed a Form I-129, Petition for a Nonimmigrant Worker, under section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the "Act"), seeking a two-year extension of P-1 classification of the beneficiary as an internationally recognized athlete. The petitioning club seeks to employ the beneficiary in P-1 classification as a soccer player at a salary of \$125 per game.

The director denied the petition finding that the petitioner is not a major league team as required for P-1 classification. The director also found that the beneficiary no longer holds the international recognition in athletics required for P-1 classification.

The petitioner is represented by registered legal counsel signified by a properly filed Form G-28, Notice of Entry of Appearance as Attorney or Representative. The instant Form I-290B, Notice of Appeal, was filed by a different attorney declaring to represent the beneficiary. The appeal was filed by new counsel without benefit of a Form G-28.

8 C.F.R. 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and sections 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. (emphasis added.)

8 C.F.R. 103.3(a)(2)(v) states:

Improperly filed appeal--(A) Appeal filed by person or entity not entitled to file it--(1) Rejection without refund of filing fee. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

An unregistered attorney has no standing in this proceeding. Nor would counsel for the beneficiary have any standing. Therefore, the appeal has not been properly filed and must be rejected.

ORDER: The appeal is rejected.