

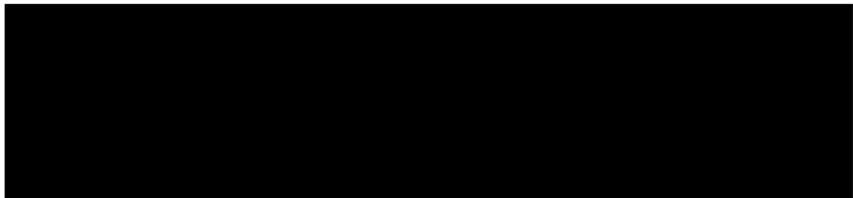


U.S. Citizenship
and Immigration
Services

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FILE: EAC 03 238 53799 Office: VERMONT SERVICE CENTER Date: **JAN 30 2008**

IN RE: Petitioner:
Beneficiary:



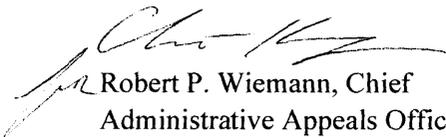
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(O)(i)

ON 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, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

8 C.F.R. § 103.3(a)(1)(iii)(B) states that, for purposes of appeals, certifications, and reopening or reconsideration, the term “affected party” means the person or entity with legal standing in a proceeding. 8 C.F.R. § 103.3(a)(2)(v) states that 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 Citizenship and Immigration Services has accepted will not be refunded.

Here, the party that filed the appeal was not the petitioner, nor any attorney or accredited representative of the petitioner, but rather [REDACTED]. On the Form I-290B Notice of Appeal, [REDACTED] identified himself as “an attorney and a member in good standing of the bar” of the “New York Supreme Court.”

On October 23, 2006, the AAO wrote to [REDACTED], stating, in part:

The Form G-28 submitted with the petition does not establish your eligibility to appear as an attorney as defined in 8 C.F.R. § 1.1(f) and as required in 8 C.F.R. §§ 103.2 and 292.1. Pursuant to 8 C.F.R. § 292.4(a), further proof of your authority to appear as an attorney is required. Please forward a properly completed Form G-28 to the undersigned within fifteen (15) days of the date of this letter. . . . In addition, please provide a copy of a current Bar Admission Certificate or Card . . . If a properly completed Form G-28 and a copy of your Bar Admission Certificate or Card are not received during that time, the appeal may be treated as if the petitioner is not represented.

To date, the record contains no response from [REDACTED]. Therefore, [REDACTED] has failed to establish that he is either an attorney in good standing, or an accredited representative of a recognized organization. Therefore, [REDACTED] has failed to establish standing to file an appeal on the petitioner’s behalf.

As the appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding, the appeal has not been properly filed, and must be rejected.

ORDER: The appeal is rejected.