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U.S. Citizenship  
and Immigration  
Services



D9

FILE: EAC 05 069 52454 Office: VERMONT SERVICE CENTER Date: **DEC 16 2005**

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

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

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, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The petitioner is a restaurant seeking classification of the beneficiary under section 101(a)(15)(P)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(iii). The petitioner seeks to employ the beneficiary temporarily in the United States as a singer.

The Form G-28, Entry of Appearance as Attorney or Representative, that was submitted in conjunction with the notice of appeal was signed by [REDACTED]

The Citizenship and Immigration Services (CIS) 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.” Pursuant to 8 C.F.R. §§ 292.1(a)(4) and 292.2(a), an accredited representative is a person that the Board of Immigration Appeals (BIA) has accredited to represent a particular “non-profit religious, charitable, social service, or similar organization established in the United States” that the BIA has recognized as an organization which may provide accredited representatives. Clearly, [REDACTED] is not attempting to enter appearances as an attorney. [REDACTED] is not on the roster of accredited representatives compiled by the Executive Office of Immigration Review (EOIR), nor is the consulting firm [REDACTED] on EOIR’s list of recognized organizations.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states that, for purposes of appeals, certifications, and reopening or reconsideration, *affected party* (in addition to the Citizenship and Immigration Services) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 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 the Service has accepted will not be refunded.

The appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding, but rather by an unaccredited representative. Therefore, the appeal has not been properly filed, and must be rejected.

**ORDER:** The appeal is rejected.