



U.S. Citizenship
and Immigration
Services

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FILE: WAC 06 231 50951 Office: CALIFORNIA SERVICE CENTER Date: **AUG 12 2008**

IN RE: Petitioner: 
Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(P)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(P)(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 California Service Center Director denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks classification of the beneficiary as an employment-based nonimmigrant pursuant to section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i), as an internationally recognized athlete, in order to employ the beneficiary in the United States for a period of one year.

The director denied the petition, in part, finding that the petitioner failed to establish that the beneficiary is internationally recognized in his field. The director also denied the petition based on the petitioner's failure to submit a contract of employment.

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.

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 a third party, [REDACTED]. While there is a Form G-28, Entry of Appearance as Attorney or Representative in the record of proceeding, the form is not signed by the petitioner or a representative thereof.¹ Consequently, Citizenship and Immigration Services (CIS) cannot recognize [REDACTED] as a representative of the petitioner. *See* 8 C.F.R. § 292.4(a). Therefore, the appeal has not been properly filed, and must be rejected.

ORDER: The appeal is rejected.

¹ The AAO sent a fax to counsel on July 22, 2008. In this transmission, the AAO advised counsel that although the record included Form G-28, the form was not executed by the petitioner or a representative thereof. Counsel was afforded five business days to forward a signed Form G-28 to the AAO. As of the date of this decision, no response has been received.