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U.S. Citizenship
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Services

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FILE: WAC 07 149 52076 Office: CALFIORNIA SERVICE CENTER Date: JUL 23 2008

IN RE: Petitioner:

Beneficiaries:



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

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 nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a hospitality company. It desires to employ the beneficiaries as housekeepers pursuant to section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(H)(ii)(b) for the period from April 18, 2007 to November 30, 2007. The Department of Labor (DOL) determined that the petitioner had submitted insufficient evidence for the issuance of a temporary labor certification by the Secretary of Labor. The acting director determined that the petitioner had not overcome the objections addressed in the DOL's decision and denied the petition. The director stated that the petitioner failed to demonstrate a peak in activity for the months requested on the Form I-129.

The AAO will reject the appeal because it was filed by a person not authorized to appear before Citizenship and Immigration Services (CIS) on behalf of any person or entity. The CIS regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(I) provides that an appeal filed with CIS by a person not entitled to file it "must be rejected as improperly filed."

The regulation at 8 C.F.R. § 103.2(a)(3) allows three categories of persons to file appeals with CIS as representatives of applicants or petitioners: (1) attorneys in the United States, as defined at 8 C.F.R. § 1.1(f); (2) attorneys outside the United States, as defined at 8 C.F.R. § 292.1(a)(6); and (3) accredited representatives, as defined at 8 C.F.R. § 292.1(a)(4) of this chapter. A person appearing before CIS in a representative capacity must file a Form G-28 (Notice of Entry of Appearance as Attorney or Representative), signed by the petitioner, that identifies the provisions of 8 C.F.R. § 292.1 under which he or she is entitled to represent the petitioner before CIS. *See* 8 C.F.R. § 292.4(a).

The record of proceeding contains a Form G-28 signed by the petitioner. This form identifies the petitioner's representative as [REDACTED], who signed the Form I-129, the Form I-290B, and filed the appeal. By letter dated May 23, 2008, the AAO provided [REDACTED] 15 days in which to (1) identify the provision(s) of 8 C.F.R. § 103.2(a)(3) under which she is qualified to represent the petitioner, and (2) documentary proof of her qualifications under whatever provision(s) of 8 C.F.R. § 103.2(a)(3) she cites as authorizing her to appear in a representative capacity on this appeal. The letter notified [REDACTED] that the AAO would reject the appeal as improperly filed if, within fifteen (15) days, she failed to submit evidence of her authorization to represent the petitioner. On June 26, 2008, [REDACTED] filed a letter with the AAO, that fails to establish that she is authorized to file the appeal as a representative of the petitioner.

The record fails to establish that the person who filed the appeal was authorized to appear as a representative. Accordingly, the AAO will reject the appeal.

ORDER: The appeal is rejected.