

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

PUBLIC COPY

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

D7



DATE: **NOV 01 2011** Office: VERMONT SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

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

ON BEHALF OF PETITIONER: **SELF-REPRESENTED**

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the petition for a nonimmigrant visa and dismissed the petitioner's subsequent motion to reopen. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner filed this nonimmigrant petition seeking authorization to employ the beneficiary as an L-1A intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a Georgia corporation, claims to operate a mailing center. The beneficiary was previously granted L-1A classification in order to open a new office in the United States and the petitioner now seeks to extend his status for two additional years. The director denied the petition, concluding that the petitioner failed to establish that the beneficiary would be employed in the United States a qualifying managerial or executive capacity.

The petitioner's representative, [REDACTED] signed and filed the Form I-290B, Notice of Appeal or Motion, in this matter. The appeal was timely filed and accompanied by the required fee and Notice of Entry of Appearance as Attorney or Representative (Form G-28) in which [REDACTED] identified his firm's name as [REDACTED] and indicated that the basis for his entry of appearance on behalf of the petitioner is that he functions as a consultant, agent and/or representative, who is entitled to file various immigration forms before U.S. Citizenship and Immigration Services (USCIS).

The regulation at 8 C.F.R. § 292.4(a) governs appearances by attorney or representatives. It states, in pertinent part: "When an appearance is made by a person acting in a representative capacity, his or her signature shall constitute a representation that under the provisions of this chapter he or she is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required."

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1), also provides that an appeal that is filed by an individual who is not a licensed attorney or accredited representative authorized to practice before USCIS is considered an improperly filed appeal and it must be rejected.

The AAO has conducted a further review of [REDACTED] qualifications and has discovered that [REDACTED] is not an accredited representative of an organization that is recognized by the Board of Immigration Appeals under 8 C.F.R. § 292.2. In addition, [REDACTED] has further failed to establish that he is an attorney as defined at 8 C.F.R. § 1.1(f). Based on the foregoing, [REDACTED] has failed to demonstrate that he is authorized under 8 C.F.R. § 292.1 to enter his appearance on behalf of the petitioner and file the present appeal.

The regulations specifically prohibit the filing of an appeal by a person or entity not entitled to file it. 8 C.F.R. § 103.3(a)(2)(v)(A)(1). As [REDACTED] is not an authorized representative, he is not authorized to file an appeal, and it must therefore be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1); 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i).

As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.