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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

U.S. Citizenship  
and Immigration  
Services

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FILE:

LIN 07 115 53736

Office: NEBRASKA SERVICE CENTER

Date: AUG 11 2009

IN RE:

Petitioner:

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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 \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom

Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Nebraska Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability. The director determined that the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

8 C.F.R. § 103.3(a)(1)(iii)(B) states that, for purposes of appeals, certifications, and reopening or reconsideration, *affected party* (in addition to U.S. Citizenship and Immigration Services [USCIS]) means the person or entity with legal standing in a proceeding. An affected party may be represented by an attorney or an accredited representative in accordance with 8 C.F.R. § 292(a)(4). 8 C.F.R. § 103.3(a)(2)(v)(A)(I) 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 USCIS has accepted will not be refunded.

In this proceeding, the Notice of Appeal ("Form I-290B") and the Immigrant Petition for Alien Worker ("Form I-140") was signed and filed by [REDACTED]. However, a Notice of Entry of Appearance as Attorney or Representative Form ("Form G-28") was not submitted by [REDACTED].

After the AAO was unable to verify that [REDACTED] is an accredited representative, the AAO sent a letter, dated July 23, 2009. That letter read, in part:

Your eligibility to appear either as an attorney or as an accredited representative of an organization recognized and accredited by the Board of Immigration Appeals as defined in 8 C.F.R. §§ 103.2 and 292.1(a)(4) has not been established. You list no location in which you are admitted to the practice of law, nor are you listed on the most recent Roster of Recognized Organizations and Accredited Representatives maintained by the Executive Office for Immigration Review. The procedures for accreditation of organizations and representatives are set forth in 8 C.F.R. § 292.2. The regulations do not permit "Immigration Consultants" to appear as representatives before USCIS.

If you believe this review of your eligibility to appear is in error, further proof of your authority to appear as an attorney or accredited representative is required pursuant to 8 C.F.R. § 292.4(a). Please forward proof of your admission to practice law and certification that you are in good standing, or, a copy of the Board of Immigration Appeals decision granting your application for accreditation as a representative of a recognized organization within 10 days of the date of this letter. In addition, please provide a Form G-28 to confirm your representation of the above-referenced alien. Please note that applicants or petitioners for whom you have prepared applications, petitions, or appeals will be

treated as if unrepresented absent proof of your authority to appear as attorney or accredited representative before USCIS.

The ten days permitted for a response have elapsed, and the AAO has received no response from Ms. [REDACTED]. Therefore, the record contains no documentary evidence to establish that [REDACTED] is an accredited representative. Without such evidence, we cannot conclude that [REDACTED] meets the regulatory definition of an accredited representative. [REDACTED] has not shown that she has authority to represent clients in proceedings such as the present appeal. Therefore, she has not shown that she had standing to file an appeal on the petitioner's behalf. Under such circumstances, we cannot accept the appeal as properly filed.

The appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding, but rather by an individual who has been unable or unwilling to establish good standing. Therefore, the appeal has not been properly filed, and must be rejected.

**ORDER:** The appeal is rejected.