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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



Date: **OCT 07 2013**

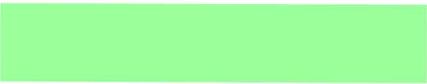
Office: VERMONT SERVICE CENTER

FILE: 

IN RE:

Petitioner:

Beneficiary:



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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, 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 designation of its program as an international cultural exchange program and classification of the beneficiary as an international cultural exchange visitor pursuant to the provisions of section 101(a)(15)(Q)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(Q)(i). The petitioner, a hotel management company, seeks to employ the beneficiary as a Cultural Program Associate for a period of fifteen (15) months.

The director denied the petition, finding that the petitioner's program was not a qualifying international cultural exchange program pursuant to section 101(a)(15)(Q)(i) of the Act and the provisions at 8 C.F.R. § 214.2(q)(3). The director found the petitioner did not establish: (1) that it operates an international cultural exchange program that is accessible to the public; (2) that it operates a program with an essential cultural component; or (3) that the beneficiary will be employed primarily to share the culture of his native country of India. The director concluded that the petitioner's main purpose is as a hotel employee, responsible for the day-to-day operation of the front desk and other departments, and that the submitted evidence "fails to establish that the beneficiary shares his respective culture with the public on a regular basis as an essential element of [his] work-related responsibilities."

The Form I-290B, Notice of Appeal or Motion, was received on March 1, 2013. The form was signed by [REDACTED], Esquire. However, the appeal was not filed with a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative. Effective March 4, 2010, the regulation at 8 C.F.R. § 292.4(a) requires that a new Form G-28 "must be filed with an appeal filed with the [AAO]." 8 C.F.R. § 292.4(a) further requires that the Form G-28 "must be properly completed and signed by the petitioner, applicant or respondent to authorize representation in order for the appearance to be recognized by the Department of Homeland Security (DHS).

On June 21, 2013, the AAO sent a facsimile to Ms. [REDACTED] notifying her that the appeal was filed without a properly executed Form G-28, signed by both herself and by an authorized official of the petitioning entity, dated subsequent to the director's decision and submitted to authorize her representation of the petitioner on appeal.<sup>1</sup> The AAO's facsimile notified Ms. [REDACTED] that without a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, authorizing her to represent the petitioner, we could not consider the appeal to have been properly filed. Pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2) and its subclauses, the AAO instructed Ms. [REDACTED] to submit a duly executed Form G-28 signed by herself and by an authorized official of the petitioning entity within fifteen (15) calendar days of the date of the facsimile. Ms. [REDACTED] was given notice that the failure to submit this required document would result in the rejection of the appeal as improperly filed.

As of the date of this letter, more than 90 days after the facsimile was sent, Ms. [REDACTED] has not responded. Therefore, we cannot consider the appeal to have been properly filed and it must be rejected.

**ORDER:** The appeal is rejected.

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<sup>1</sup> The AAO received confirmation that the facsimile transmittal was successful.