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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

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Date: Office: CALIFORNIA SERVICE CENTER FILE:

DEC 01 2011

IN RE: Petitioner:
Beneficiary:

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

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, California Service Center, revoked the approval of the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner claims to be a kindergarten/preschool day care and learning center that petitioned the United States Citizenship and Immigration Services (USCIS) to classify the beneficiary as a nonimmigrant pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The petitioner seeks to employ the beneficiary as a day care group or head teacher. The director denied the petition on the grounds that the petitioner failed to establish that the proffered position qualifies for classification as a specialty occupation.

The record shows that [REDACTED] filed the instant appeal on behalf of the petitioner as a representative and that he signed the Form I-290B. [REDACTED] previously signed and submitted a Form G-28, Notice of Entry of Appearance as Attorney or Representative, with the initial petition. However, the record does not indicate that [REDACTED] is an attorney or authorized representative. To the contrary, [REDACTED] signed the Form G-28 and indicated in Box #4 the following:

I am a civic leader of a Filipino community organization in New York City, NY, helping members and their respective employers on immigration, labor certifications and citizenship issues. In this case, I appear at employee's and employer's request with but token remunerations.

The regulation at 8 C.F.R. § 103.2(a)(3) specifies that a petitioner may be represented "by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter." Title 8 C.F.R. § 292.1(a)(3) also permits reputable individuals appearing without direct or indirect remuneration to represent a petitioner in certain circumstances. An accredited representative is defined in 8 C.F.R. § 292.1(a)(4) as a representative of an organization described in 8 C.F.R. § 292.2, which, in turn, states that only nonprofit religious, charitable, social service, or similar organizations recognized by the Board of Immigration Appeals may be so classified.

In this case, the record fails to establish that [REDACTED] falls within any of the categories of representatives authorized by the regulations to file an appeal on behalf of the petitioner and, therefore, the appeal must be rejected. "An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed." 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

Therefore, as [REDACTED] is not entitled and not authorized to represent the petitioner in this matter, the appeal must be rejected as improperly filed. *Id.*

ORDER: The appeal is rejected.