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

(b)(6)

[redacted]

FEB 0 1 2013

Date: Office: VERMONT SERVICE CENTER FILE: [redacted]

IN RE: Petitioner: [redacted]
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 IN THE FORM I-129 PROCEEDING:

[redacted]

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.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

In the visa petition, the petitioner described itself as a "Storage, Delivery, Wine" firm. To employ the beneficiary in a position it designates as a graphic designer position, the petitioner endeavors to classify her as a nonimmigrant worker in a specialty occupation 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 director denied the petition, because he found that the petitioner had failed to establish that the petitioner would employ the beneficiary in a specialty occupation position.

The Form I-129 in this matter was accompanied by a Form G-28 Notice of Entry of Appearance as Attorney or Accredited Representative which purports to have been duly executed by Philip Lights, an attorney in New York.

The new Form G-28 submitted with the Form I-290B (Notice of Appeal or Motion) in this matter, however, purports to have been signed by [redacted] The record contains no indication that [redacted] is an attorney or is otherwise qualified to represent the petitioner. Further, the Form I-290B purports to have been signed by neither [redacted] nor by [redacted] but by [redacted] whose connection to this case is unknown, but who appears to work for a company named [redacted] located at [redacted]

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 § 1.2 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).

The AAO further notes that, even if the appeal in this matter were deemed to be properly filed, a cursory examination reveals another flaw that would preclude sustaining the appeal.

The Form I-290B was submitted without a brief or evidence. The only comment submitted about the appeal is the following statement at Part 3 of the Form I-290B: "The scope and duties of the proffered position is [sic] complex and detailed and will require a bachelor [sic] degree."

Although box B at section 2 of the Form I-290B, was checked, indicating that the petitioner would send a brief and/or evidence within 30 days, the AAO has received neither. Accordingly, the record of proceeding is deemed complete as currently constituted.

The statement on appeal contains no specific assignment of error. Alleging, directly or indirectly, that the director erred in some broad or unspecified way is an insufficient basis for an appeal. The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part: "An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

Even if the appeal were not rejected as improperly filed, it would be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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

ORDER: The appeal is rejected.