



U.S. Citizenship
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Services

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FILE: EAC 08 001 50576 Office: VERMONT SERVICE CENTER Date: **NOV 03 2008**

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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 BENEFICIARY: 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The petitioner claims that it is operating as a wholesaler and distributor of cell phones, phone cards, and cell phone accessories. It filed this nonimmigrant new office petition seeking authorization to employ the beneficiary temporarily in the United States as its president, pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The director denied the petition based on the following independent conclusions: (1) the petitioner had not established that the beneficiary was employed abroad in a primarily managerial or executive capacity; and (2) the petitioner failed to establish that it would support the beneficiary in a primarily managerial or executive capacity within one year.

The claimed counsel for the petitioner, _____, filed the I-290B in this matter. The appeal was timely filed and accompanied by the required fee and Entry of Appearance as Attorney or Representative (Form G-28) in which _____ identified his firm's name as _____ 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 (CIS). However, the AAO has conducted a further review of Mr. _____ qualifications and has discovered that _____ 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, Mr. _____ has further failed to establish that he is an attorney as defined at 8 C.F.R. § 1.1(f). Based on the foregoing, _____ 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 _____ 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.