

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

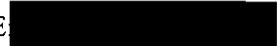


87

DATE: **DEC 08 2012**

OFFICE: VERMONT SERVICE CENTER

FILE



IN RE: Petitioner:
 Beneficiary:



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 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.

Thank you,

f Ron Rosenberg
Acting 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 as improperly filed.

The petitioner filed this nonimmigrant petition to extend the beneficiary's status as an L-1A intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a New York corporation, states that it is engaged in the hotel business. It claims to be a subsidiary of [REDACTED] located in India, and also that it owns an affiliate limited liability company in Oklahoma to which the beneficiary will be assigned, [REDACTED]. The petitioner seeks to employ the beneficiary as Senior Manager of [REDACTED] in the United States for a period of two years.

On February 18, 2011, the director denied the petition concluding that the petitioner failed establish that the petitioner would act primarily in an executive or managerial capacity consistent with section 101(a)(15)(L) of the Act.

On March 14, 2011, a Form I-290B, Notice of Appeal or Motion, was filed by former counsel [REDACTED] without a new Form G-28, Notice of Entry of Appearance as Attorney or Representative signed by the petitioner.

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]." Title 8 C.F.R. § 292.4(a) further requires that the new 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 DHS."

On October 24, 2012, this office faxed the former counsel a notice requesting a new, properly executed Form G-28 personally signed by both counsel and by an authorized official of the petitioning entity. The AAO instructed counsel to submit the new Form G-28 within 15 days, and advised that failure to submit this document would result in the rejection of the appeal as improperly filed. As of this date, the AAO has not received any response to this request.

Without a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, authorizing counsel to represent the petitioner in the proceeding of the instant appeal, the AAO cannot consider counsel to be the petitioner's attorney of record with regard to the appeal currently before it.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) provides in pertinent part that: "If an appeal is filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the appeal, the appeal is considered improperly filed." In addition, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) provides that: "An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed."

The instant appeal must be considered as filed by a person not entitled to file the appeal and, therefore, must be rejected as improperly filed.

ORDER: The appeal is rejected.