

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



D7

Date: **DEC 24 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,

Ron Rosenberg

Acting Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

The petitioner claims to be a corporation organized under the laws of the State of Florida. It seeks to employ the beneficiary as General Manager. Accordingly, the petitioner endeavors to classify the beneficiary as a nonimmigrant alien pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L).

Pursuant to 8 C.F.R. § 103.2(b)(16)(i), this office notified the petitioner through a Notice of Derogatory Information on November 3, 2012 that, according to the records of the Florida Department of State Division of Corporations website, the petitioner is currently inactive and administratively dissolved in the State of Florida.

Further, in the same notice, this office also notified the petitioner that the Form I-290B, Notice of Appeal or Motion, was filed by former counsel 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 November 3, 2012, this office mailed the aforementioned notice to former counsel and the petitioner 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 30 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.