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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

87

[REDACTED]

DATE: **JUL 27 2012** Office: VERMONT SERVICE CENTER FILE: [REDACTED]

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

PETITION: Petition for a Nonimmigrant Worker under Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

[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.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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 nonimmigrant visa petition was denied by the Director, Vermont Service Center, and now the matter is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is an import/export firm. It claims to be an affiliate of [REDACTED] Located in Wuxi Jiangsu, China. It seeks to employ the beneficiary permanently in the United States as its President-CEO for an additional period of one year. The director denied the petition finding that the record contained insufficient evidence to demonstrate that the beneficiary will be employed in a managerial or executive capacity.

The Form I-290B appeal form was signed by [REDACTED] who also submitted a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative entering his appearance in the matter before the AAO. [REDACTED] claimed to represent the petitioner as “an attorney and a member in good standing of the bar of the highest court(s) of the following State(s)/possession(s), territory(ies), commonwealth(s), or the District of Columbia: “New Jersey Supreme Court.” [REDACTED] further claimed that he is “not subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting” him “in the practice of law.”

The regulation governing representation in filing immigration petitions and/or applications with United States Citizenship and Immigration Services (USCIS) is found at 8 C.F.R. § 103.2(a)(3), which provides in pertinent part that:

(3) *Representation.* An applicant or 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.

The regulation at 8 C.F.R. § 1.1(f) states:

The term *attorney* means any person who eligible to practice law in, and is a member in good standing of the bar of, the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him or her in the practice of law.

The regulation at 8 C.F.R. § 292.1(a)(6) encompasses the following type of foreign attorneys:

Attorneys outside the United States. An attorney, other than one described in 8 C.F.R. 1.1(f), who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which he or she resides and who is engaged in such practice, may represent parties in matters before [the Department of Homeland Security (DHS)], provided that he or she represents persons only in matters outside the geographical confines of the United States as defined in section 101(a)(38) of the

Act, and that the DHS official before whom he or she wishes to appear allows such representation as a matter of discretion.

██████████ is currently listed as "Admin Ineligible" on the list of disciplined attorneys in the State of New Jersey, available on the Internet at <http://njcourts.judiciary.state.nj.us/>. An attorney in "Administratively Ineligible" status "is not currently authorized to practice law in New Jersey."

As the appeal has been filed by an administratively ineligible attorney who is not in good standing of the bar of the State of New Jersey, the appeal has been filed by a person or entity not entitled to file it, and it must therefore be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.