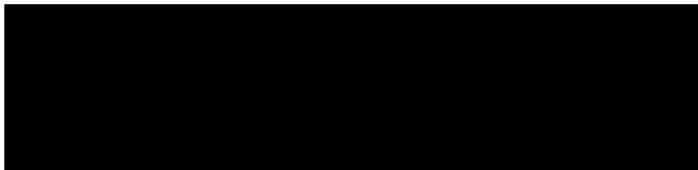


U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave. N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

D7



DATE: **OCT 18 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,

  
Perry Rhew

Chief, Administrative Appeals Office

**DISCUSSION:** The Director of the Vermont Service Center denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks to employ the beneficiary as a Chief Commercial Director/CEO and has petitioned to classify the beneficiary as an L-1A nonimmigrant 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 director denied the petition after determining that the petitioner had not established eligibility.

The record reflects that an appeal, Form I-290B, Notice of Appeal or Motion, was filed by [REDACTED] on May 9, 2011. The record, however, does not contain a new, properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, personally signed by both [REDACTED] and by an authorized official of the petitioning entity. 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 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."

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) states, in part, that an appeal is considered improperly filed if it 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. Without a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, the AAO cannot consider [REDACTED] to be the petitioner's attorney of record with regard to the appeal, and the appeal must be considered improperly filed.

On September 19, 2012, the AAO instructed [REDACTED] to submit a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, authorizing him to represent the petitioner. The AAO afforded [REDACTED] five days to submit the new Form G-28. The AAO further advised that the failure to respond to the notice may result in the rejection of the appeal.

As of the date of this notice, the AAO has not received a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity, authorizing Bennett Grossman to represent the petitioner. As the AAO cannot consider [REDACTED] to be the petitioner's attorney of record, the AAO therefore cannot consider the appeal to have been properly filed.

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

**ORDER:** The appeal is rejected.