



**U.S. Citizenship
and Immigration
Services**

(b)(6)

DATE: **APR 15 2013** OFFICE: VERMONT SERVICE CENTER

FILE: 

IN RE: Petitioner: 
 Beneficiary: 

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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition. 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 seeking to extend the beneficiary's employment 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 petitioner, a Virginia corporation established in 2012, seeks to employ the petitioner as an L1A manager or executive.

The director denied the petition, finding the petitioner failed to establish that it would employ the beneficiary in a managerial or executive capacity.

The petitioner submitted a timely appeal signed by counsel for the petitioner, [REDACTED]. However, the appeal must be rejected because counsel failed to submit a new and properly signed Form G-28.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) provides: "An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed." The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) further provides: "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."

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." 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."

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

As the appeal was improperly filed, the appeal must be rejected.

ORDER: The appeal is rejected.