

(b)(6)



U.S. Citizenship
and Immigration
Services

DATE: **APR 19 2013**

Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

IN RE:

Petitioner: [REDACTED]

Beneficiary: [REDACTED]

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:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied by us in reaching our 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 request 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 that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

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

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director of the California 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 the Vice President of Marketing and has petitioned to classify the beneficiary as an L-1B 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 August 15, 2011. The record, however, did not contain a new, properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, personally signed by the petitioner, authorizing [REDACTED] to represent the petitioner in the instant appeal. 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."

On February 27, 2013, the AAO instructed [REDACTED] to submit a new, valid, and fully executed Form G-28, signed by the petitioner, authorizing [REDACTED] to represent the petitioner. The AAO afforded [REDACTED] fifteen days to submit the new Form G-28. The AAO advised [REDACTED] that without a new, valid, and fully executed Form G-28 signed by the petitioner, the AAO cannot consider [REDACTED] to be the petitioner's attorney of record with regard to the appeal. The AAO further advised [REDACTED] that the failure to submit the required documentation will 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 the petitioner, authorizing [REDACTED] 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.