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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

[Redacted]

DATE: **MAY 07 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)

COURTESY COPY TO:

[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.

Thank you,

  
L Ron Rosenberg

Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal as improperly filed.

The petitioner filed a nonimmigrant visa petition seeking to employ the beneficiary in the position of aircraft maintenance engineer for one year 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 petitioner claims it is a subsidiary of the beneficiary's foreign employer, a helicopter transportation company located in Canada.

The director denied the petition based on the following adverse findings: 1) the petitioner failed to establish that the beneficiary has specialized knowledge and has been and would be employed in the United States in a capacity that requires specialized knowledge; and 2) the petitioner failed to establish that the United States and foreign entities have a qualifying relationship.

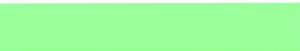
Counsel for the petitioner filed an appeal. On appeal, counsel asserts that the petitioner is a wholly owned subsidiary of the beneficiary's foreign employer and that the beneficiary was employed by the petitioner's Canadian parent company or its Canadian affiliate for the preceding three years. Counsel also asserts that the beneficiary's knowledge of aircraft maintenance is specialized due to his knowledge of Canadian regulations, U.S. regulations, and his experience in the engines and transmissions used by the petitioner. Counsel claims that other mechanics do not have the training or experience in the particular aircraft that is required to fill the position.

U.S. Citizenship and Immigration Services (USCIS) regulations specifically limit the filing of an appeal to an affected party (the person or entity with legal standing) and/or to the party's attorney or representative authorized pursuant to 8 C.F.R. § 292. See 8 C.F.R. § 103.3(a)(1)(iii)(B).

In this matter, the appeal was signed by counsel for the petitioner. Although the petition is accompanied by a Form G-28, Notice of Entry of Appearance by an Attorney or Representative, the claimed attorney/representative has not established that she is a licensed attorney or an accredited representative authorized to undertake representations on the petitioner's behalf. See 8 C.F.R. § 292.1. Counsel did not indicate on Form G-28 that she is an attorney in good standing of the bar of the United States or the highest court of any State, territory, insular possession or the District of Columbia. Counsel also did not indicate that she is an accredited representative of a religious, charitable, social service or similar organization recognized by the Board. Counsel marked "Other" and indicated that she is a "solicitor of the British Columbia Law Society in Canada."

On February 19, 2013, the AAO sent a facsimile to notify the attorney who filed the Form I-290B that the Form G-28 accompanying the appeal was deficient and provided her 15 days in which to submit evidence that she was authorized to undertake authorization on the petitioner's behalf. The record indicates that counsel did not respond to the request or provide any additional evidence within the allowed timeframe. Accordingly, the

(b)(6)



Page 3

foreign attorney's appearance will not be recognized, and the appeal filed by the unauthorized counsel in this matter must be considered as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i).

As the appeal was filed by a person not entitled to file it, it must be rejected as improperly filed pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

**ORDER:** The appeal is rejected.