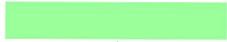




(b)(6)



Date: **FEB 25 2010** Office: CALIFORNIA SERVICE CENTER

FILE: 

IN RE:

Petitioner:
Beneficiary:



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

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.

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, 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, a self-described restaurant and entertainment lounge, filed a Form I-129, Petition for a Nonimmigrant Worker, seeking classification of the beneficiaries under section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i), as internationally recognized entertainers, so that they may accept employment temporarily in the United States as an entertainment group. The director denied the petition, concluding that the petitioner failed to establish that the beneficiaries have been recognized internationally as outstanding in their discipline for a sustained and substantial period of time.

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.” Although counsel in this matter previously entered her appearance prior to the instant Form I-129’s adjudication on February 18, 2011, the record does not contain a new, properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, personally signed by both counsel and by an authorized official of the petitioning entity for the Form I-290B, Notice of Appeal, filed with the AAO.

On January 29, 2013, the AAO sent a request for a new Form G-28 to counsel via facsimile transmission. Specifically, the AAO advised that without a new, valid, and fully executed Form G-28, signed by an official of the petitioning entity authorizing counsel to represent the petitioner, the AAO would not consider the appeal to have been properly filed. Pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2) and its sub-clauses, counsel was instructed to submit a duly executed Form G-28 by mail or fax within ten calendar days. Counsel was further advised that failure to timely respond to the AAO’s request would result in the rejection of the appeal. As of the date of this decision, no correspondence has been received.

Absent a new and properly executed Form G-28, counsel cannot be considered the petitioner’s attorney of record with regard to the appeal currently before the AAO. U.S. Citizenship and Immigration Services regulations specifically prohibit the filing of an appeal by an attorney or representative without a properly executed Form G-28 entitling that person to file the appeal. 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i).

An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1). As counsel is not a recognized party in the Form I-290B proceeding, counsel is not authorized to file an appeal. *Id.*; 8 C.F.R. § 103.3(a)(1)(iii)(B).

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

ORDER: The appeal is rejected.