



U.S. Citizenship
and Immigration
Services

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FILE:

LIN 04 216 50530

Office: NEBRASKA SERVICE CENTER

Date: JUL 26 2006

IN RE:

Petitioner:
Beneficiary:



PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

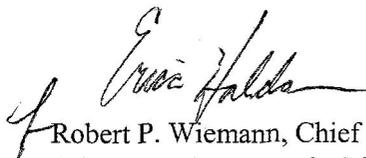
ON BEHALF OF PETITIONER:

COURTESY COPY TO:



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.



Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A).

The petitioner filed the immigrant petition seeking to classify the beneficiary as a multinational manager or executive pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C). The petitioner is a corporation organized under the laws of the State of Michigan that is engaged in international commerce. It seeks to employ the beneficiary as its president. The director concluded that the petitioner had not demonstrated that the beneficiary had been employed by the foreign entity or would be employed in the United States in a primarily managerial or executive capacity. The director also determined that the petitioner had not been doing business in the United States for at least one year prior to the filing of the immigrant petition. This timely appeal followed.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within thirty days of service of the unfavorable decision. In accordance with 8 C.F.R. § 103.3(a)(1)(iii)(B), "affected party" means, in addition to Citizenship and Immigration Services (CIS), the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

Here, Form G-28, Entry of Appearance as Attorney or Representative, was filed by a representative of the beneficiary. Additionally, Form I-290B indicates that the beneficiary is the represented party in the present appeal. Neither document identifies the petitioner as a represented party. CIS regulations specifically prohibit a beneficiary of a visa petition, or a representative acting on a beneficiary's behalf, from filing a petition; the beneficiary of a visa petition is not a recognized party in a proceeding. 8 C.F.R. § 103.2(a)(3). As the beneficiary is not an affected party, counsel is not authorized to file an appeal. 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.