



U.S. Citizenship
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Services

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[Redacted]

File: LIN 06 039 53755 Office: NEBRASKA SERVICE CENTER Date: MAY 01 2007

IN RE: Petitioner:
Beneficiary:

[Redacted]

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)

IN BEHALF OF PETITIONER:

[Redacted]

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 preference visa petition was denied by the Director, Nebraska Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The petitioner is allegedly engaged in the hospitality business. It seeks to employ the beneficiary as its general manager. Accordingly, the petitioner endeavors to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager. After the petitioner failed to respond to a Notice of Intent to Deny, the director denied the petition concluding that the petitioner failed to establish (1) that the petitioner had been doing business for one year prior to the filing of the petition; (2) that the beneficiary's duties abroad were qualifying; or (3) that the beneficiary's duties in the United States will be qualifying.

The Form G-28, Notice of Entry of Appearance as Attorney or Representative, dated April 2, 2006 was signed by the beneficiary, not by an authorized representative of the petitioner and not on behalf of the petitioner. Therefore, the attorney identified in the Form G-28 is counsel to the beneficiary, not counsel to the petitioner. The Form I-290B that was submitted in response to the September 11, 2006 decision was signed and filed by the attorney identified in the above Form G-28. While the petitioner previously appointed [REDACTED] as its counsel in this proceeding in a Form G-28 dated November 11, 2005, neither [REDACTED] nor the petitioner filed the instant appeal; rather, counsel to the beneficiary filed the appeal.

Citizenship and Immigration Services 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 and his representative are not recognized parties, 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 will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.