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U.S. Department of Homeland Security  
20 Mass Ave. N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
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Services

B6

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FILE: [REDACTED]  
SRC 03 145 53005

Office: TEXAS SERVICE CENTER

Date: FEB 22 2007

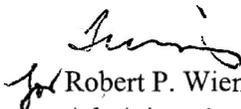
IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

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.

  
for Robert P. Wiemann, Chief  
Administrative Appeals Office

cc: [REDACTED]

**DISCUSSION:** The employment-based immigrant visa petition was initially approved by the Director, Nebraska Service Center. On further review of the record, the director determined that the beneficiary was not eligible for the benefit sought. The director served the petitioner with notice of intent to revoke the approval of the preference visa petition. The director subsequently revoked approval of the petition. The director granted the petitioner's motion to reopen the case but subsequently determined that the petition should remain revoked. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a cultural and educational company. It sought to permanently employ the beneficiary in the United States as a music assistant.

The record indicates that the Immigrant Petition for Alien Worker (I-140) was initially approved on March 21, 2005. The director subsequently concluded that the I-140 was approved in error and notified the petitioner of her intent to revoke the petition on May 26, 2005. The petitioner was afforded an additional thirty days to respond to the notice of intent to revoke. The director subsequently determined that the petitioner had failed to respond to the notice of intent to revoke the petition and the petition's approval was revoked on August 9, 2005, pursuant to Section 205 of the Act, 8 U.S.C. § 1155. The petitioner moved to reopen the case based on evidence that it had provided a timely response to the notice of intent to revoke.

The director subsequently withdrew her earlier decision and considered the petitioner's additional evidence. On September 13, 2005, the director found that the evidence did not overcome the basis for revoking the petition's approval and concluded that the petition's approval should remain revoked.

The record indicates that the beneficiary, through new counsel, has filed an appeal from the director's September 13, 2005 decision.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states in pertinent part:

*Meaning of Affected Party.* For purposes of this section and §§103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. (Emphasis in original).

As the beneficiary is not an affected party, she has no standing to file a motion. Therefore, her appeal must be rejected as improperly filed.

**ORDER:** The appeal is rejected.