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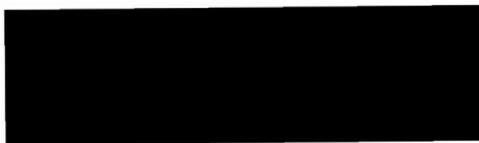
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE: WAC 05 077 50456 Office: CALIFORNIA SERVICE CENTER Date: JAN 03 2007

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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

ON BEHALF OF PETITIONER:

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.

R. Robert P. Wiemann
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition and 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).

The petitioner is an adult residential care facility. It seeks to employ the beneficiary as an accountant, and endeavors to classify her as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director determined that the proffered position did not qualify as a specialty occupation.

The Form G-28 (Entry of Appearance as Attorney or Representative) that was submitted in conjunction with the filing of the appeal was signed by the beneficiary, not by an authorized representative of the petitioner, authorizing attorney Henry J. Nunez to represent the beneficiary. The attorney did not, however, file the appeal or submit any documentation in support of the appeal. The Form I-290B (Notice of Appeal) was signed by the beneficiary who indicated that she was representing herself in the appeal process. Citizenship and Immigration Services (CIS) regulations specifically prohibit the beneficiary of a visa petition, or a representative acting on the beneficiary's behalf, from filing a petition. The beneficiary of a visa petition is not a recognized party in the proceeding. 8 C.F.R. § 103.2(a)(3). As the beneficiary is not a recognized party in these proceedings, she 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)(1).

ORDER: The appeal is rejected.