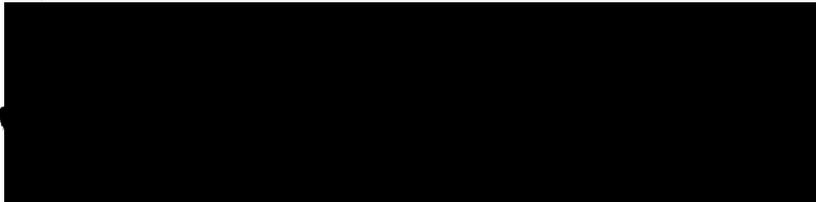




U.S. Citizenship
and Immigration
Services

identifying data elements,
prevent clearly unwarranted
invasion of personal privacy



D2

FILE: SRC 03 159 51571 Office: TEXAS SERVICE CENTER Date AUG 11 2004

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

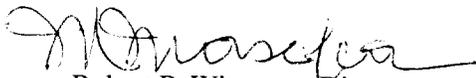
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:

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.


Robert P. Wiemann, Director
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 a business support services company that seeks to employ the beneficiary as an administrative service manager. The petitioner, therefore, endeavors to classify the beneficiary 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 denied the petition because the petitioner did not establish that the position was a specialty occupation.

The Form I-290B, Notice of Appeal to the Administrative Appeals Office (AAO), was filed by the beneficiary, not by the petitioner, which on the original petition, appears to be the Jesus Is Lord International Christian Church. Citizenship and Immigration Services (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 or his representative of a visa petition is not a recognized party in a proceeding. 8 C.F.R. § 103.2(a)(3). Although the initial petitioner indicated that it was only assisting the beneficiary in submitting his non-immigrant petition, and that the actual petitioner was the beneficiary, as presently constituted, the record indicates that the beneficiary is not a recognized party. Therefore, he 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.