

**PUBLIC COPY**

U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536

**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**



**U.S. Citizenship  
and Immigration  
Services**



FILE: SRC 02 148 51112 Office: TEXAS SERVICE CENTER Date: **MAR 03 2004**

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

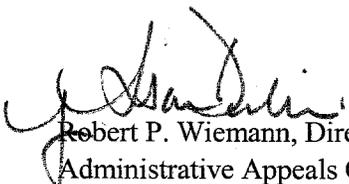
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The director of the service center denied the nonimmigrant visa petition filed for the beneficiary. 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).

This proceeding involves a petition for continuation of previously approved employment. The beneficiary earlier had been classified to work for this same petitioner as a nonimmigrant worker in a specialty occupation 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).

The petitioner is a corporation that manufactures ladies' hats and sportswear. It seeks to continue to temporarily employ the beneficiary as a plant manager.

The director denied the petition on the basis that the evidence of record did not establish that the beneficiary is qualified to serve in a specialty occupation pursuant to the criteria at 8 C.F.R. § 214.2(h)(4)(iii)(C).

The appeal is rejected because the record does not establish that the petitioner authorized the appeal to be filed on its behalf.

On the Form I-290B (Notice of Appeal), the signing attorney avers that she is representing the beneficiary, and this information comports with the cover letter which this attorney submits with the Form I-290B. Although the petitioner had also retained this same attorney to act as its counsel at earlier stages of the proceeding, it is clear that, on appeal, the attorney represents only the beneficiary. (With the content of the Form I-290B and the attorney's July 22, 2002 appeal cover letter, compare the March 26, 2002 cover letter that the attorney submitted with the petition.)

Accordingly, the AAO is constrained to consider the appeal as submitted by an attorney acting on behalf of the beneficiary alone.

Citizenship and Immigration Services regulations state that a beneficiary of a visa petition has no legal standing in an appeal, and specifically prohibit a beneficiary, or a representative acting on a beneficiary's behalf, from filing 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 as improperly filed.