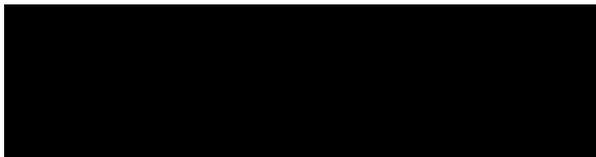


identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



PR

FILE: SRC 05 001 50659 Office: TEXAS SERVICE CENTER Date: **AUG 29 2006**

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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petition is consulting services firm, with two employees. It seeks to hire the beneficiary as an operations research analyst pursuant to pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), U.S.C. § 1101(a)(15)(H)(i)(b). The director denied the petition because the record failed to establish that the beneficiary would be coming to the United States to perform the duties of a specialty occupation. Counsel for the beneficiary submits a timely appeal.

The AAO's review of the record before it finds the client authorization section of the Form G-28 (Entry of Appearance as Attorney or Representative), submitted by counsel at the time of filing, to have been signed by the beneficiary of the petition. There is no other Form G-28 included in the record.

Citizenship and Immigration Services (CIS) regulations state that the beneficiary of a visa petition is not a recognized party in a proceeding before CIS. 8 C.F.R. § 103.2(a)(3). As the beneficiary has no legal standing, he may not file an appeal, nor may counsel do so on his behalf. *See* 8 C.F.R. § 103.3(a)(1)(iii)(B). Accordingly, the AAO will reject the appeal as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.