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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE: WAC 05 190 50559 Office: CALIFORNIA SERVICE CENTER Date: JUN 04 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:  
[Redacted]

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 Michael T. Kelly*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director of the California Service Center 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 convalescent hospital that seeks to employ the beneficiary as a nurse manager. The director denied the petition on the basis that the proffered position did not meet the definition of a specialty occupation.

In this case, the record contains three Forms G-28, Entry of Appearance as Attorney or Representative. One G-28 contains the typewritten name of the petitioner's chief financial officer (CFO) as "Name of Person Consenting"; the CFO, however, failed to sign or date this form. The remaining two G-28s are properly signed by the beneficiary, indicating that the beneficiary retained counsel. 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 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.