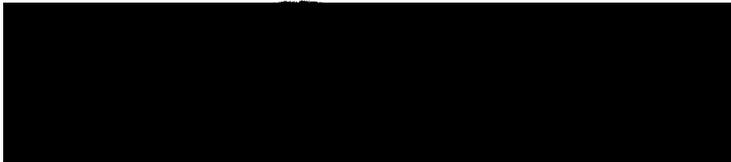




U.S. Citizenship  
and Immigration  
Services

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

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FILE: SRC 04 052 52851 Office: TEXAS SERVICE CENTER Date: AUG 16 2005

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

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(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 director denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

In order to employ 80 unnamed beneficiaries as grounds laborers for a period of ten months, the petitioner, a service grounds maintenance firm, endeavors to classify them as temporary nonagricultural workers pursuant to section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(b).

The director denied the petition, holding that the petitioner had “failed to establish eligibility for classification as an H-2B nonimmigrant worker.”

The regulation at 8 C.F. R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

*Improperly filed appeal – (A) Appeal filed by person or entity not entitled to file it – (1) Rejection without refund of filing fee.* An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

Only an affected party, or a person or entity with legal standing, may file an appeal of an unfavorable decision. Jon P. Clancy, the individual filing the instant appeal, has not established that he is a licensed attorney or an accredited representative authorized to undertake representations on the petitioner’s behalf. See 8 C.F.R. § 292.1. The appeal therefore has not been filed by the petitioner, an authorized party on the petitioner’s behalf, or by any entity with legal standing in this proceeding. Therefore, the appeal must be rejected.

**ORDER:** The appeal is rejected.