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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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[Redacted]

FILE:

[Redacted]

Office: TEXAS SERVICE CENTER

Date:

MAR 27 2006

SRC 04 111 51377

IN RE:

Petitioner:

Beneficiary:

[Redacted]

PETITION:

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

ON BEHALF OF PETITIONER:

COURTESY COPY TO:

[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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A).

The petitioner filed the immigrant petition seeking to classify the beneficiary as a multinational manager or executive pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C). The petitioner is a corporation organized under the laws of the State of Florida that is operating as a consulting and investment company. It seeks to employ the beneficiary as its president and executive director. The director concluded that the petitioner had not demonstrated that a qualifying relationship existed between the foreign and United States entities at the time of filing the petition. This timely appeal followed.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within thirty days of service of the unfavorable decision. In accordance with 8 C.F.R. § 103.3(a)(1)(iii)(B), "affected party" means, in addition to Citizenship and Immigration Services (CIS), the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

Here, Form G-28, Entry of Appearance as Attorney or Representative, was filed by a representative of the beneficiary. Additionally, Form I-290B indicates that the beneficiary is the represented party in the present appeal. Neither document identifies the petitioner as a represented party. 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 of a visa petition is not a recognized party in a proceeding. 8 C.F.R. § 103.2(a)(3). As the beneficiary is not an affected party, counsel 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 must be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.