

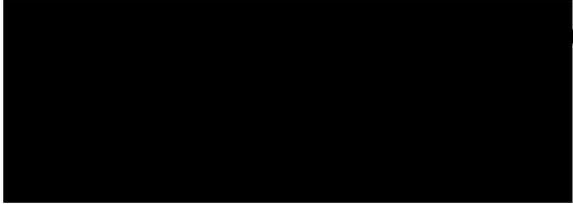


U.S. Citizenship
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MAR 17 2004

FILE: SRC 03 236 51505 Office: TEXAS SERVICE CENTER Date:

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

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

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.

Mari Johnson
A Robert P. Wiemann, Director
Administrative Appeals Office

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

A Form I-129, Petition for a Nonimmigrant Worker, was filed on August 28, 2003, in the name of the Titanium Events Corporation, seeking O-1 classification of the beneficiary, under section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(O)(i), as an alien with extraordinary ability in floral design, in order to employ him in the United States for an indefinite period.

The director denied the petition, finding that the petitioner failed to establish that the beneficiary is one of the small percentage who has risen to the very top of his field of endeavor. The beneficiary appealed the director's decision. A Form I-290B, Notice of Appeal to the Administrative Appeals Unit, signed by the beneficiary, was filed with the Texas Service Center.

On appeal, the beneficiary indicates that he will send a brief and/or additional evidence to the AAO within 30 days. More than three months have lapsed since the date of the appeal and nothing more has been submitted to the AAO.

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

For purposes of [appeals], *affected party* . . . means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

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. Only the affected party or attorney of record may file an appeal.

The appeal has not been filed by the petitioner, nor by any entity with legal standing in the proceeding; but rather, by the beneficiary. Therefore, the appeal has not been properly filed and must be rejected.

ORDER: The appeal is rejected.