

identifying data deleted to
prevent clearly unwarranted



U.S. Citizenship
and Immigration
Services

B4

PUBLIC COPY



File: [Redacted]
SRC 03 238 52732

Office: TEXAS SERVICE CENTER Date:

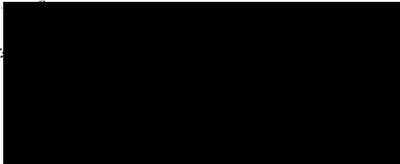
FEB 21 2006

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

Petition: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to
Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

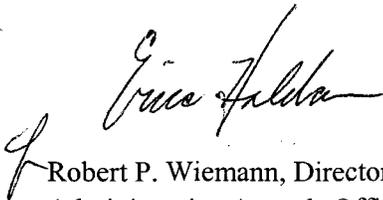
ON BEHALF OF PETITIONER:

COURTESY COPY TO:



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 immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

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 30 days of service of the unfavorable decision. In accordance with 8 C.F.R. § 103.2(a)(7)(i), an application received in a Citizenship and Immigration Services (CIS) office shall be stamped to show the time and date of actual receipt, if it is properly signed, executed, and accompanied by the correct fee.

In accordance with 8 C.F.R. § 103.3(a)(1)(iii)(B), "affected party" means (in addition to the Service) the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

In this matter the record contains a Form I-290B signed by an attorney whose Form G-28, Notice of Entry of Appearance as Attorney or Representative, does not indicate that he is representing an affected party. Inasmuch as neither the beneficiary nor her representative has standing to file an appeal in this matter, the appeal must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

Of note, a petitioner cannot alter its standing or offer a new position to the beneficiary, or materially change a position's title, its level of authority within the organizational hierarchy, or the associated job responsibilities on appeal. A petitioner may not make material changes to a petition in an effort to make a deficient petition conform to CIS requirements. *See Matter of Izummi*, 22 I&N Dec. 169, 176 (Assoc. Comm. 1998). The proper recourse in this matter is to submit a new petition identifying the actual petitioner.

ORDER: The appeal is rejected.