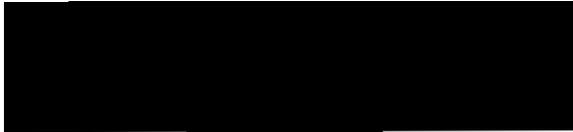


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invasion of personal privacy



U.S. Citizenship
and Immigration
Services

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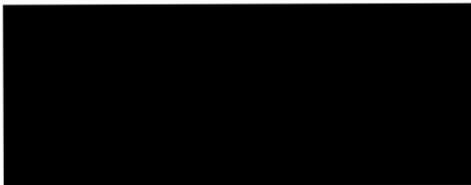
Office: TEXAS SERVICE CENTER Date: OCT 24 2006

IN RE: Petitioner:
Beneficiary:



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:



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, Chief
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, initially approved the visa petition filed in the instant matter. Upon further consideration, the director revoked the approval of the visa petition in a decision dated October 20, 2005. An appeal has since been filed with the Administrative Appeals Office (AAO). The appeal will be rejected as improperly filed.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) states that only the affected party has legal standing in a proceeding. The regulation further clarifies that the beneficiary of a visa petition is not deemed an affected party. Accordingly, while the petitioner¹ may be represented by an attorney in this proceeding, an attorney representing the beneficiary will not be recognized unless the record contains adequate documentation showing that the attorney represents the petitioner.

In the instant matter, a revocation was issued on November 8, 2005. Subsequently, a Form G-28 dated November 4, 2005 was submitted by [REDACTED] on behalf of the beneficiary. The Form G-28 was signed by the beneficiary in his individual capacity and by Mr. Cowhig. The petitioner was not named in the Form G-28. Therefore, the AAO may not recognize the petitioner as being represented by [REDACTED] as his appearance has been solely entered on behalf of the beneficiary. Accordingly, the AAO concludes that the Form I-290B appeal was improperly filed, as it was filed on behalf of the beneficiary who lacks standing to file an appeal as an unaffected party. 8 C.F.R. § 103.3(a)(1)(iii)(B).

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(I) states that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. Accordingly, the improperly filed appeal is hereby rejected.

Additionally, with regard to counsel's reference to section 106(c) of the American Competitiveness in the Twenty First Century Act of 2000 (AC21) in his response to the Notice of Intent to Revoke, the AAO notes that the petition must be "valid" to begin with if it is to "*remain* valid with respect to a new job." Section 204(j) of the Act, 8 U.S.C. § 1154(j) (emphasis added). In the matter of a revoked Form I-140, the effect of the revocation is retroactive. Therefore, the petition will never be considered to have been valid once revoked. Regardless, as the appeal is being rejected for improper filing, the AAO is precluded from exploring the issue of the petitioner's eligibility under section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C).

ORDER: The appeal is rejected as improperly filed.

¹ The AAO notes that the petitioner filed the Form I-140 under the name American Rainbow Corporation. However, the petitioner's State of Texas Certificate of Incorporation identifies the petitioner as America Rainbow Corporation. The reason for this name distinction is unclear.