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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

B4

[redacted]

NOV 03 2009

File: [redacted] Office: NEBRASKA SERVICE CENTER Date:
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IN RE: Petitioner: [redacted]
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)

IN 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.

for

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska Service Center. The petitioner subsequently filed a motion with the service center. Although the motion was granted, the director affirmed the previously issued adverse decision.[1] The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

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

> If an appeal is filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the appeal, the appeal is considered improperly filed.

In the instant matter, filed an appeal as counsel on behalf of the beneficiary subsequent to the director's September 29, 2008 adverse decision with regard to the petitioner's Form I-140. However, pursuant to 8 C.F.R. § 103.3(a)(1)(iii)(B), the beneficiary of a visa petition is not considered an affected party and therefore does not have legal standing in a proceeding. It is noted that the record does not contain a Form G-28 showing that is authorized to undertake representation on the petitioner's behalf. Thus, while filed the Form I-290B, he failed to properly file the Form G-28 showing that he is authorized to represent the petitioner in the present matter.

Accordingly, the record in the present matter shows that the appeal was improperly filed and must be rejected.

ORDER: The appeal is rejected.

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[1] Although the director's initial denial was based on three adverse findings, it appears that only one ground for ineligibility served as the basis for the director's most recent decision, i.e., the petitioner's failure to establish that the beneficiary would be employed in a qualifying managerial or executive capacity.