U.S. Department of Homeland Security
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Washington, DC 20529-2090

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U.S. Citizenship and Immigration Services

PUBLIC COPY

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[redacted]

FILE: [redacted] Office: NEBRASKA SERVICE CENTER Date: DEC 19 2008
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IN RE: Petitioner:
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:

[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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(*1*).

The petitioner is a Florida corporation that seeks to employ the beneficiary as its general manager. Accordingly, the petitioner endeavors to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager. After reviewing the evidence submitted, the director denied the petition based on the petitioner's failure to establish that it would employ the beneficiary in a managerial or executive capacity.

On February 19, 2008, the beneficiary filed a Form I-290B with the service center on his own behalf purporting to appeal the decision of the director dated January 19, 2008.[1] The beneficiary did not indicate that he was signing the Form I-290B on behalf of the petitioner. Moreover, the beneficiary used his home address, and not the business address of the petitioner, in completing the Form I-290B. Therefore, it must be concluded that the beneficiary filed the Form I-1290B in his personal capacity, and not on behalf of the petitioner. U.S. Citizenship and Immigration Services 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 a recognized party, he is not authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B).

As such, the appeal was improperly filed and it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(*1*).

ORDER: The appeal is rejected as improperly filed.

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[1] The AAO notes that the record has been supplemented with a recent Form G-28, Notice of Entry of Appearance as Attorney or Representative. However, the Form G-28 is undated, thereby making it impossible to determine whether it was submitted at or around the time of the appeal and whether the counsel named in the Form G-28 was intended to represent the petitioner on appeal. It is noted that neither the petitioner's name nor any information pertaining to the counsel named in the Form G-28 was included in the Form I-290B to indicate the attorney's representation of the petitioner on appeal.