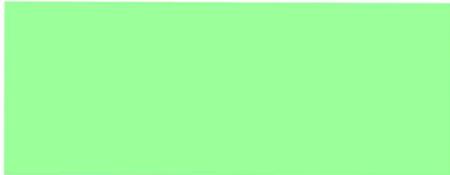


(b)(6)

U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



DATE: **MAR 21 2013** OFFICE: TEXAS SERVICE CENTER

FILE:

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: SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Texas Service Center. The petitioner subsequently filed a motion to reopen and reconsider, which the director dismissed, finding that the petitioner failed to meet the requirements of either motion. 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)(I).

The petitioner is a Florida corporation that seeks to employ the beneficiary as its "director 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 concluded that the petitioner failed to establish that: (1) it has a qualifying relationship with the beneficiary's foreign employer; (2) the beneficiary would be employed in the United States in a managerial or executive capacity; and (3) the beneficiary was employed abroad in a qualifying managerial or executive capacity. The director therefore issued a decision dated March 6, 2012 denying the petition based on each of the above three adverse findings.

On April 6, 2012, the petitioner filed a motion to reopen and reconsider, which the director dismissed in a decision dated June 26, 2012, concluding that the petitioner failed to meet the requirements of a motion.

On July 30, 2012, the beneficiary filed a Form I-290B seeking to appeal the decision of the director dated June 6, 2012.¹ The beneficiary did not indicate that he was signing the Form I-290B on behalf of the petitioner. Moreover, the beneficiary used his own 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-290B, and not 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 the visa 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 the appeal was improperly filed it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected as improperly filed.

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 clearly indicates that [REDACTED] entered her appearance only as the beneficiary's representative. Neither the petitioner's name nor any information pertaining to the petitioner has been included in the recently filed Form G-28. As such, [REDACTED] cannot be deemed attorney for the petitioner in this proceeding.