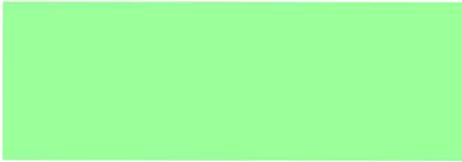


U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Service  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

(b)(6)



Date: **MAY 23 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.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

✍ Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The preference visa petition was denied by the Director, Texas Service Center and the Administrative Appeals Office (AAO) dismissed the petitioner's subsequent appeal. The matter is now before the Administrative Appeals Office (AAO) on a second appeal. The appeal will be rejected.

The petitioner is a Florida limited liability company that seeks to employ the beneficiary as its administrative 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. The director denied the petition, and the AAO affirmed that decision, after determining that the petitioner had not established eligibility.

The Form I-290B was filed and signed by the beneficiary, not by an authorized representative 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. 8 C.F.R. § 103.2(a)(3). The beneficiary of a visa petition is not a recognized party in an appellate proceeding. 8 C.F.R. § 103.3(a)(1)(iii)(B). As the beneficiary is not recognized as the affected party, he is not authorized to file an appeal.

As the appeal was not properly filed, it must be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).<sup>1</sup>

Additionally, the AAO notes for the record that even if the appeal had been properly filed, it would be dismissed as moot.

The petitioner claims to be a corporation organized under the laws of the State of Florida. During the initial review of the appeal, the AAO discovered evidence that the petitioning business in this matter has been voluntarily dissolved. If the petitioning business is no longer an active business, the petition will have become

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<sup>1</sup> Further, the AAO notes that the beneficiary seeks appellate review of the AAO's own decision. There is no statutory or regulatory provision that permits the petitioner to file more than one appeal before the AAO with regard to the same petition. *See* 8 C.F.R. § 103.3(a)(1)(ii). The authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security (DHS) pursuant to the authority vested in him through the Homeland Security Act of 2002, Pub. L. 107-296. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003), with one exception - petitions for approval of schools under § 214.3 are now the responsibility of Immigration and Customs Enforcement (ICE). The AAO does not exercise appellate jurisdiction over its own decisions. Accordingly, the appeal is not properly within the AAO's jurisdiction.

As noted in the AAO's cover letter, the petitioner had the option of filing a motion to reopen or a motion to reconsider the AAO's most recent decision within 33 days of service pursuant to 8 C.F.R. § 103.5. However, as the appeal was not filed by the affected party and must be rejected, the AAO will not consider whether the submission meets the requirements of a motion.

(b)(6)

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moot. This fact would be material to the petitioner's eligibility for the requested visa as a dissolved entity can no longer offer the beneficiary permanent employment in the United States.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not met that burden.

**ORDER:** The appeal is rejected.