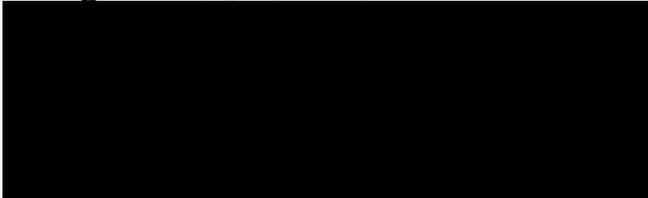




U.S. Citizenship
and Immigration
Services

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FILE: SRC 05 004 51545 Office: TEXAS SERVICE CENTER Date: **DEC 02 2005**

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All materials have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be rejected.

The petitioner is a charter school. It seeks to employ the beneficiary as a teacher and to extend her classification as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director denied the petition on the ground that the beneficiary failed to establish that she was entitled to an extension of her H-1B status.

The petitioner's representative in this matter is [REDACTED] who filed a Notice of Entry of Appearance (Form G-28) with the petition in October 2004. The instant appeal was filed by [REDACTED] of Chae & Associates, P.C., who claims to represent the petitioner but did not submit the required Form G-28 with the petitioner's signature.

The Form G-28 submitted by [REDACTED] with the appeal is signed by the beneficiary, who is not an authorized representative of the petitioner. Citizenship and Immigration Services (CIS) regulations expressly state that a beneficiary of a visa petition is not a recognized party in a proceeding. *See* 8 C.F.R. § 103.2(a)(3). As the beneficiary is not a recognized party, [REDACTED] is not authorized to file an appeal. *See* 8 C.F.R. § 103.2(a)(1)(iii)(B). Accordingly, the AAO must reject the appeal pursuant to 8 C.F.R. § 103.2(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.