



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

D2

FILE: SRC 04 201 50647 Office: TEXAS SERVICE CENTER

Date: MAR 27 2006

IN RE: Petitioner:
Beneficiary:

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.

for Michael T. Kelly
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 an importer and retailer of children's clothing. It seeks to employ the beneficiary as a market research analyst 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 (the Act), 8 U.S.C. § 1101 (a)(15)(H)(i)(b).

The director denied the petition on the grounds that the record failed to establish that the proffered position qualifies as a specialty occupation or that the beneficiary is qualified to perform services in the specialty occupation.

The notice of appeal (Form I-290B), received on October 26, 2004, was signed and filed by the beneficiary. Citizenship and Immigration Services (CIS) regulations expressly state that a beneficiary of a visa petition is not a recognized party in the proceeding. *See* 8 C.F.R. § 103.2(a)(3). As the beneficiary is not a recognized party, she does not have legal standing in the instant proceeding and is not authorized to file an appeal. *See* 8 C.F.R. § 103.3(a)(1)(iii)(B). Accordingly, the AAO must reject the appeal pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.