

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy.



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



D4

FILE: SRC 04 195 51439 Office: TEXAS SERVICE CENTER Date: OCT 04 2005

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

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a private citizen who desires to employ the beneficiary as a private household worker for three years. The director determined that the beneficiary had not maintained a lawful presence in the United States and denied the petition.

The beneficiary states that the reason for the appeal is as follows:

The request of visa complies with the requirements established in the law. At present are gathering the evidence that support the appeal. Once obtained we will send to the AAU within 30 days.

To date, no additional information has been received.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and §§103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 8 C.F.R. § 103.3(a)(2) states:

(v) *Improperly filed appeal-(A) Appeal filed by person or entity not entitled to file it-(1) Rejection without refund of filing fee.* An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

The appeal has not been filed by the petitioner or an affected party, but rather by the beneficiary. Therefore, the appeal must be rejected.

**ORDER:** The appeal is rejected.