



U.S. Citizenship  
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Services

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FILE: LIN 04 105 51932 Office: NEBRASKA SERVICE CENTER Date: FEB 24 2004

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

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

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.

2 Robert P. Wiemann, Director  
Administrative Appeals Office

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

The petitioner filed a Form I-129 (Petition for a Nonimmigrant Worker) seeking classification of the beneficiary under section 101(a)(15)(P)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(ii), as an artist or entertainer seeking to perform in the United States under an international reciprocal exchange program.

The director denied the petition, finding that the petitioner failed to establish that the proffered position involved an international reciprocal exchange agreement. The director denied the petition, in part, finding that the petitioner failed to submit a written advisory opinion from an appropriate labor organization.

On appeal, counsel for the beneficiary submits a statement and additional documentation.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states that, for purposes of appeals, certifications, and reopening or reconsideration, *affected party* (in addition to the Citizenship and Immigration Services) 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)(v) states that 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, nor by any entity with legal standing in the proceeding, but rather by the beneficiary. Therefore, the appeal has not been properly filed, and must be rejected.

**ORDER:** The appeal is rejected.