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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE  
425 Eye Street N.W.  
BCIS, AAO, 20 Mass., 3/F  
Washington, D.C. 20536

**PUBLIC COPY**



File: [Redacted] Office: Texas Service Center

Date: AUG 18 2003

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

Petition: Immigrant Petition for Alien Worker as an Outstanding Professor or Researcher pursuant to Section 203(b)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(B)

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

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

INSTRUCTIONS:

This is the decision 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 employment based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(B) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(B), as an outstanding professor or researcher. The director determined that the petitioner had not established eligibility for classification as an outstanding professor or researcher. Specifically, the director noted that the petitioner had not established a qualifying job offer by a valid U.S. employer.

The regulation at 8 C.F.R. § 204.5(i)(1) states: "Any United States employer desiring and intending to employ a professor or researcher who is outstanding in an academic field under section 203(b)(1)(B) of the Act may file an I-140 visa petition for such classification."

The regulation at 8 C.F.R. § 204.5(i)(3) states that a petition for an outstanding professor or researcher must be accompanied by:

(iii) An offer of employment from a prospective United States employer. A labor certification is not required for this classification. The offer of employment shall be in the form of a letter from:

(A) A United States university or institution of higher learning offering the alien a tenured or tenure-track teaching position in the alien's academic field;

(B) A United States university or institution of higher learning offering the alien a permanent research position in the alien's academic field; or

(C) A department, division, or institute of a private employer offering the alien a permanent research position in the alien's academic field. The department, division, or institute must demonstrate that it employs at least three persons full-time in research positions, and that it has achieved documented accomplishments in an academic field.

The record reflects that the alien filed the I-140 petition with the Texas Service Center on April 30, 2002, listing herself as the petitioner under Part 1 of the form. The regulation at 8 C.F.R. § 103.2(a)(2) states: "An applicant or petitioner must sign his or her application or petition." Under Part 8 of the I-140, the alien executed her signature. As the I-140 petition was signed by the alien, it constitutes a self-petition. The above regulations contain no provision for an alien to self-petition; the petition itself must be filed by the prospective U.S. employer. Because the alien filed the petition on her own behalf, the petition was not properly filed, and this flaw cannot be remedied by the submission of additional evidence on appeal.

In this matter, the alien has no standing to self-petition for the classification sought. Therefore, the petition cannot be approved, and further discussion of the merits of the petition would serve no

practical purpose.

It is further noted that the appellant, [REDACTED]  
[REDACTED] has no legal standing in this matter.

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

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

8 C.F.R. § 103.3(a) (2) (v) states:

*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 Bureau 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 an individual who states that his organization is "willing to file an I-140 visa petition" in the petitioner's behalf. Therefore, the appeal has not been properly filed, and must be rejected.

**ORDER:** The appeal is rejected.