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U.S. Department of Homeland Security  
Citizenship and Immigration Services

**B6**

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

[REDACTED]

File: [REDACTED] Office: TEXAS SERVICE CENTER

Date: **DEC 16 2003**

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

Petition: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

**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*  
Robert P. Wiemann, Director  
Administrative Appeals Office

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

The petition in this matter was filed by the beneficiary, rather than by a United States employer as required by 8 C.F.R. § 204.5(l)(1). Further, the petition is not accompanied by a Form ETA 750 Application for Alien Employment Certification, by an application for Schedule A designation, or by documentation to establish that the alien qualifies for one of the shortage occupations in the Department of Labor's Labor Market Information Pilot Program, as required by 8 C.F.R. § 204.5(l)(3)(i). The director determined, therefore, that the petition could not be approved.

8 C.F.R. § 103.1(f)(3)(iii) states, in pertinent part:

*Appellate Authorities.* In addition, the Associate Commissioner for Examinations exercises appellate jurisdiction over decisions on:

(B) Petitioner for immigrant visa classification based on employment or as a special immigrant or entrepreneur under §§ 204.5 and 204.6 of this chapter except when the denial of the petition is based upon lack of a certification by the Secretary of Labor under section 212(a)(5)(A) of the Act.

This office has no jurisdiction over a petition denied based upon lack of a labor certification. As the petition in this matter was denied for that reason, among others, this office has no jurisdiction and the appeal must be rejected.

**ORDER:** The appeal is rejected.