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

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



File: WAC 02 023 55885 Office: CALIFORNIA SERVICE CENTER

Date: JUL 03 2003

IN RE: Petitioner:
Beneficiary:



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)

IN BEHALF OF PETITIONER: SELF-REPRESENTED

PUBLIC COPY

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

The beneficiary, who is employed by [REDACTED], filed the present petition on her own behalf. The beneficiary seeks classification as a skilled worker pursuant to section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i). The director denied the immigrant visa petition because the beneficiary signed the petition instead of the United States employer.

An alien may not self-petition under this visa classification. As stated at 8 CFR § 204.5(c), "[a]ny United States employer desiring and intending to employ an alien may file a petition for classification under section . . . 203(b)(3) of the Act."

Furthermore, 8 CFR § 103.1(f)(3)(iii) states in pertinent part:

In addition, the AAO exercises appellate jurisdiction over decisions on;

* * *

(B) Petitions 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 is based upon lack of a certification by the Secretary of Labor under section 212(a)(5)(A) of the Act
. . . .

As there is no appeal available when a decision is based on a lack of labor certification, this appeal must be rejected.

ORDER: The appeal is rejected.