

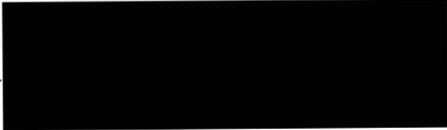
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U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO 203 Mass. 3  
425 E. Street, N.W.  
Washington, D.C. 20586



OCT 02 2003

File: WAC 02 072 50310

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE: Petitioner:  
Beneficiary:



Petition: Immigrant Petition for Alien Worker as an Other Worker Pursuant to Section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:



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 employment based 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 petitioner seeks to classify the beneficiary as an employment based immigrant pursuant to section 203(b)(3) of the Immigration and Nationality Act, (the Act), 8 U.S.C. § 1153(b)(3), as a skilled worker. The petitioner is a hair and skin care salon. It seeks to employ the beneficiary permanently in the United States as a hair and skin care specialist. As required by statute, the petition is accompanied by an individual labor certification approved by the Department of Labor. The director determined that the petitioner had not established that it had the financial ability to pay the beneficiary the proffered wage as of the priority date of the visa petition.

The record shows that the attorney of record has filed the appeal Form I-290B, representing the beneficiary rather than the petitioner.

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

*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.

(Original emphasis).

The regulation at 8 C.F.R. § 103.3(a)(2)(v) further provides that "an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed."

As the beneficiary is not an affected party, she has no standing to file an appeal. Therefore, an appeal filed on her behalf must be rejected as improperly filed.

**ORDER:** The appeal is rejected.