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U.S. Department of Homeland Security

Citizenship and Immigration Services

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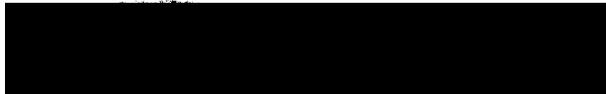
ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 I Street, N.W.  
Washington, D.C. 20536



File: WAC 01 218 52238 Office: CALIFORNIA SERVICE CENTER

Date: **OCT 21 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)

ON 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, 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 (AAO) 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 an electrical contractor. He seeks to employ the beneficiary permanently in the United States as an electrical helper. The petition is not accompanied by an approved labor certification. The record also shows that the beneficiary has filed the appeal Form I-290B, rather than the petitioner.

The regulation at 8 C.F.R. § 103.1(f)(3)(iii) describes the appellate jurisdiction of the AAO. It states that the AAO exercises appellate jurisdiction over decisions on petitions for immigrant visa classification based on employment "except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor under section 212(a)(5)(A) of the Act."

The denial of the petition in this case was primarily based on the lack of a certification by the Secretary of Labor. Pursuant to 8 C.F.R. § 103.1(f)(3)(iii), the AAO has no jurisdiction over this decision.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) also 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, he has no standing to file an appeal. Therefore, an appeal filed by the beneficiary must be rejected as improperly filed. An appeal filed where the AAO has no jurisdiction must also be rejected as improperly filed.

**ORDER:** The appeal is rejected.