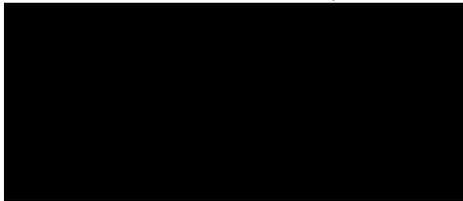


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**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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

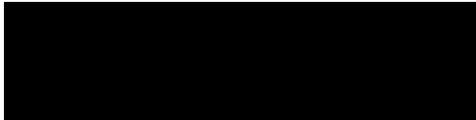
ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, DC 20536



File: EAC 01 225 55452 Office: VERMONT SERVICE CENTER

Date: APR 07 2004

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:



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 preference visa petition was denied by the Director, Vermont Service Center. The director subsequently reopened and denied the petition two additional times. The matter is now ostensibly before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director determined that the petition in this matter could not be approved because it had been abandoned and because it was not accompanied by an approved 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(1)(3)(i).

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

Appellate Authorities. In addition, the [AAO] 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 application certified by the Department of Labor. 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.