



U.S. Citizenship  
and Immigration  
Services

B4



File: EAC 02 187 50204 Office: VERMONT SERVICE CENTER

Date: SEP 08 2004

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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

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**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director of the Vermont Service Center and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be rejected as improperly filed.

The petitioner seeks to classify the beneficiary 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 or professional.

The instant petition was filed on May 9, 2002. Noting that the record was deficient, on October 25, 2002, the director requested additional evidence in support of the petition. The petitioner failed to submit the additional documentation as requested by the director and the director denied the petition for abandonment on February 11, 2003.

The regulations provide that no appeal lies from the denial of a petition for abandonment. *See* 8 C.F.R. § 103.2(b)(15).

Moreover, the appeal was filed by the beneficiary of the petition, not the petitioner or any other entity with legal standing in the proceeding.

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

(B) Meaning of affected party. For purposes of this section and sections 103.4 and 103.5 of this part, affected party (in addition to [Citizenship and Immigration Services]) means the person or entity with legal standing in the proceeding. *It does not include the beneficiary of a visa petition.*

(Emphasis added.)

As there is no appeal from the director's denial and the party filing the appeal has no standing in the proceeding, the appeal must be rejected.

**ORDER:** The appeal is rejected.