



U.S. Citizenship
and Immigration
Services

B4



FILE: WAC 02 071 50214 Office: CALIFORNIA SERVICE CENTER Date: SEP 16 2004

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

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

ON 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

CC: [Redacted]

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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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 professional or skilled worker. The petitioner is an antique furniture manufacturer and refurbisher. It seeks to employ the beneficiary as a furniture reproducer. As required by statute, the petition was accompanied by certification from the Department of Labor. The director denied the petition because he determined that the petitioner had not established its ability to pay the proffered wage from the priority date and continuing to the present.

The record shows that the person filing the appeal is neither an attorney nor an accredited representative. The record also shows that the person filing the appeal is representing the beneficiary and has never represented the petitioner.

The regulation at 8 C.F.R. § 103.3(a)(3)(B) 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. An affected party may be represented by an attorney or representative in accordance with part 292 of this chapter.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) further provides in relevant part:

Improperly filed appeal- (A) *Appeal filed by person or entity not entitled to file it-* (1) *Rejection without refund of filing fee.* An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee [CIS] has accepted will not be refunded. (Original emphasis).

The regulation at 8 C.F.R. § 292.1(a)(4) states:

Accredited representatives. A person representing an organization described in §292.2 of this chapter who has been accredited by the Board.

The regulation at 8 C.F.R. § 292.2(a) provides:

Qualifications of organizations. A non-profit religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board may designate a representative or representatives to practice before the Service alone or the Service and the Board (including practice before the Immigration Court). Such organization must establish to the satisfaction of the Board that:

1. It makes only nominal charges and assesses no excessive membership dues for persons given assistance; and

2. It has at its disposal adequate knowledge, information and experience.

As the person filing the appeal is neither an attorney nor an accredited representative, the appeal is considered to be improperly filed, and, therefore, must be rejected. In addition, as the beneficiary is not an affected party, he has no standing to file an appeal. Therefore, an appeal filed on his behalf must also be rejected as improperly filed.

ORDER: The appeal is rejected.