



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
WAC-03-102-53472

Office: CALIFORNIA SERVICE CENTER

Date: DEC 23 2005

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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

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

DISCUSSION: The preference visa petition was denied by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A).

The petitioner is a packaging and shipping services provider and seeks to employ the beneficiary as a maintenance repairer. The director denied the petition for failure to establish the beneficiary had met the minimum requirements at the time that the request for certification was filed and therefore, the beneficiary was not qualified.

The Form G-28, Entry of Appearance as Attorney or Representative, submitted in conjunction with the Form I-290B, indicates that the beneficiary retained counsel to file the appeal. Citizenship and Immigration Services' (CIS) regulations specifically prohibit a beneficiary of a visa petition, or a representative acting on a beneficiary's behalf, from filing an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). Although counsel states that it represents the petitioner, no Form G-28 was submitted signed by both counsel and the petitioner's authorized representative. As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

The record of proceeding contains a properly executed Form G-28 signed by the petitioner's representative and an attorney different than counsel filing the instant appeal. Since it is uncertain whether or not the petitioner obtained new counsel, a copy of this decision will be provided to the petitioner's last known counsel of record. A courtesy copy will also be provided to the beneficiary's counsel.

ORDER: The appeal is rejected as improperly filed.

Cc: