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**U.S. Citizenship
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FILE: WAC 02 197 50646 Office: CALIFORNIA SERVICE CENTER Date: **JAN 25 2005**

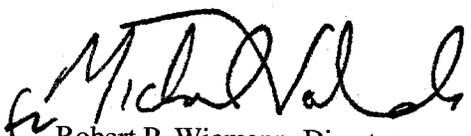
IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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

DISCUSSION: The preference 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 is an automobile garage. It seeks to employ the beneficiary permanently in the United States as an auto mechanic. As required by statute, a Form ETA 750, Application for Alien Employment Certification, approved by the Department of Labor, accompanies the petition. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition.

The record shows that the beneficiary has filed the appeal Form I-290B rather than the petitioner.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) 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 on his behalf must be rejected as improperly filed.

ORDER: The appeal is rejected.