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U.S. Citizenship
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FILE:



Office: TEXAS SERVICE CENTER

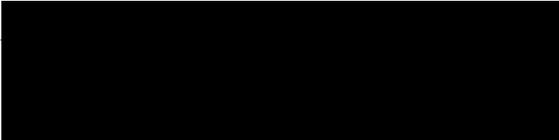
Date:

JUL 26 2005

SRC 03 062 52612

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:

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 employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The petitioner is a computer distribution company that seeks to employ the beneficiary as an operations manager.

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 the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

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 the Service has accepted will not be refunded.

The Form G-28, dated January 16, 2004, submitted on appeal carries the beneficiary's signature and not that of the petitioner, which the director also noted in his February 27, 2004 decision. Having been made aware of this deficiency and with no Form G-28 in the file signed by the petitioner naming counsel as the petitioner's representative, the AAO must conclude, contrary to counsel's statement on the Form I-290 B, that counsel only represents a party, the beneficiary, with no standing to appeal in this matter.

The appeal has not been filed by the petitioner or by any entity with legal standing in the proceeding, and therefore, the appeal has not been properly filed and must be rejected.

ORDER: The appeal is rejected.