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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**

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FILE:

[REDACTED]
EAC 03 126 53882

Office: VERMONT SERVICE CENTER

Date: **MAY 25 2005**

IN RE:

Petitioner:
Beneficiary:

[REDACTED]

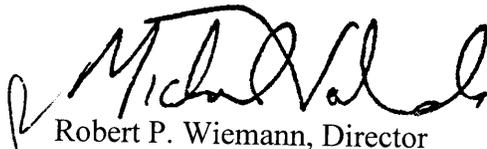
PETITION: Immigrant petition for Alien Worker as a Other, Unskilled Worker pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF BENEFICIARY:

[REDACTED]

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 Director, Vermont Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) states:

Meaning of affected party. For purpose of this section ... *affected party* ... 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)(A)(1) 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 case, any filing fee the Service has accepted will not be refunded.

Counsel has filed a Form G-28 naming the beneficiary as his client. The AAO notes that the record of proceedings does contain a Form G-28 for counsel signed by the petitioner's representative; however, the appeal is signed by the beneficiary as the named party filing the appeal. Under the regulations mentioned above, the appeal must be rejected.

The appeal was improperly filed. The appeal must be rejected.

ORDER: The appeal is rejected.