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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
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Services

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FILE:   
SRC 04 037 52356

Office: TEXAS SERVICE CENTER

Date: **SEP 06 2005**

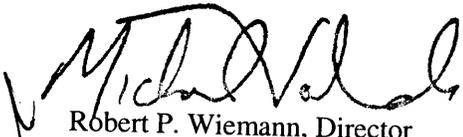
IN RE: Petitioner:   
Beneficiary: 

PETITION: Immigrant Petition for Alien Worker as an Other Worker 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

Cc: 

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Texas Service Center. The director denied a subsequent motion to reconsider. The matter is now before the AAO on appeal. The appeal will be rejected as improperly filed.

The petitioner is a private householder. The petitioner sought to employ the beneficiary permanently in the United States as a household worker. As required by statute, the petition was accompanied by an individual labor certification approved by the Department of Labor.

On March 24, 2004, the director denied the petition, determining that the petitioner had failed to demonstrate that it had the continuing financial ability to pay the proffered wage as of the priority date of the petition.

The beneficiary filed an untimely appeal on May 4, 2004. The director accepted it as a motion to reconsider pursuant to 8 C.F.R. § 103.5(a)(3). On May 13, 2004, the director reaffirmed her original decision denying the petition and denied the motion.

The record indicates that on June 10, 2004, the beneficiary filed an appeal from the director's May 13, 2004, decision to deny her motion to reconsider.

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 §§103.4 and 103.5 of this part, *affected party* (in addition to (Citizenship and Immigration Services)) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. (Original emphasis).

As the beneficiary is not an affected party, she has no standing to file a motion. Therefore her motion to reconsider must be rejected as improperly filed.

**ORDER:** The motion to reconsider is rejected.