



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: TEXAS SERVICE CENTER Date: **MAR 24 2006**
SRC-04-030-51007

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

The petitioner is a restaurant and seeks to employ the beneficiary as a foreign food specialty cook. On October 11, 2004 the director denied the petition finding that the petitioner did not establish its continuing ability to pay the proffered wage from the priority date to the present.

The Form I-290B, Notice of appeal to the AAO, dated November 3, 2004 and signed by [REDACTED] as the person filing appeal, was filed with Texas Service Center on November 9, 2004. The record of proceeding shows that [REDACTED] is the beneficiary of the instant visa petition. 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). 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 the attorney in record. A copy of this decision will be provided to the petitioner's last known counsel of record.

As the appeal was improperly filed, the appeal must be rejected.

ORDER: The appeal is rejected.