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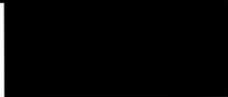
U.S. Citizenship
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Services

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File:



Office: TEXAS SERVICE CENTER

Date: NOV 03 2008

WAC 96 050 50278

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)

IN 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, Chief
Administrative Appeals Office

DISCUSSION: The Director of the Texas Service Center revoked the approval of the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A).

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as a skilled worker. The director determined that the petitioner failed to establish that the beneficiary possessed the requisite work experience at the time of filing the petition. The director revoked the petition's approval accordingly. The director also made a finding of fraud in the record.

The Form G-28, Entry of Appearance as Attorney or Representative, submitted in conjunction with the Form I-140 indicates that the beneficiary retained counsel to file the petition. Although counsel states that he represents the petitioner on Form I-290B, no Form G-28 was submitted signed by both counsel and the petitioner's authorized representative.¹ 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).

ORDER: The appeal is rejected as improperly filed.

¹ The AAO sent a fax to counsel on July 14, 2008, requesting a properly executed G-28, and as a courtesy, providing him with five days to respond. To date, more than 12 weeks later, no reply has been received.