U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

B6

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: JUN 15 2004

IN RE: Petitioner: [redacted]
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:

[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 employment based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks to classify the beneficiary as an employment based immigrant 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 petitioner is a kennel. It seeks to employ the beneficiary permanently in the United States as an animal health technician. As required by statute, the petition is accompanied by certification from the Department of Labor. The director determined that the petitioner had not established that it had the continuing financial ability to pay the proffered wage as of the visa priority date.

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

> *Meaning of Affected Party.* For purposes of this section and §§103.4 and 103.5 of this part, *affected party* [in addition to (CIS)] means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. (Original emphasis).

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

> *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 [CIS] has accepted will not be refunded. (Original emphasis).

The record shows that the beneficiary filed the appeal.[1] A beneficiary has no legal standing to file an appeal. Inasmuch as the appeal was filed by a person not entitled to file it, the appeal must be rejected as improperly filed.

ORDER: The appeal is rejected.

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[1] The notice of appeal gave no reason for the appeal. No further documentation has been received to the record, although thirty days was requested to submit a brief and/or additional evidence. The appeal is frivolous.