



U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted]

Office: NEBRASKA SERVICE CENTER

Date:

WAC-08-008-50397

OCT 01 2009

IN RE:

Petitioner:

Beneficiary:



PETITION: Immigrant petition for Alien Worker as an 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 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew

Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Nebraska Service Center, denied 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 is a carpet installer and seeks to employ the beneficiary as a carpet installer. 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 and that the beneficiary met the requirements mandated on the labor certification.

The instant appeal was filed on October 14, 2008 by a person named [REDACTED]. The Form G-28, Entry of Appearance as Attorney or Representative, submitted in conjunction with the Form I-290B, signed by [REDACTED] and [REDACTED], indicates that [REDACTED] retained [REDACTED] to file the appeal. [REDACTED] signed the Form I-290B. The alien named [REDACTED] is the beneficiary of the instant petition. U.S. Citizenship and Immigration Services' (USCIS) 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). The record does not contain any Form G-28 properly executed by the petitioner to authorize [REDACTED] to file the instant appeal. As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

The Form G-28 in the record identifies [REDACTED] as a designated representative. However, the record of proceeding indicates that [REDACTED] does not belong to any category of persons that USCIS authorizes to appear before it in a representative capacity. The unchecked boxes on the form indicate that [REDACTED] is neither an attorney nor an accredited representative of an organization recognized by the BIA. Section 4 of the form identifies this person as "a non profit entity assisting individuals to complete their immigration process free of charge". However, neither [REDACTED] nor South Orange Coast Ministries is listed on the most recent Roster of Recognized Organizations and Accredited Representatives maintained by the Executive Office for Immigration and Review, available on the Internet at <http://www.usdoj.gov/eoir/statspub/recognitionaccreditationroster.pdf> (accessed on September 24, 2009). The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) provides that an appeal filed with USCIS by a person not entitled to file it "must be rejected as improperly filed."

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

**ORDER:** The appeal is rejected.