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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090

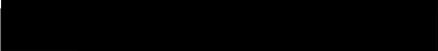


U.S. Citizenship  
and Immigration  
Services



B6

DATE: **AUG 02 2011** OFFICE: TEXAS SERVICE CENTER FILE:   
SRC 08 008 53956

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)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the third preference visa petition and 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 describes itself as a medical office. It seeks to employ the beneficiary permanently in the United States as a medical assistant. As required by statute, a labor certification approved by the U.S. Department of Labor accompanied the petition. The director determined that the petitioner had failed to establish its continuing ability to pay the proffered wage beginning on the priority date of the visa petition; that the beneficiary met the education and experience requirements of the certified labor certification; and that the offered position qualified for classification as a skilled worker. The director denied the petition accordingly.

The Form I-290B, Notice of Appeal of Motion is accompanied by a Form G-28 (Form G-28), Notice of Entry of Appearance as Attorney or Representative for the *beneficiary's* representative. In addition, the Form G-28 was only signed by the attorney, [REDACTED] United States 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). No evidence suggests that the petitioner consented to the filing of the appeal.<sup>1</sup>

As the appeal was not properly filed, and it is unclear whether or not the petitioner consented to having an appeal filed on its behalf, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

**ORDER:** The appeal is rejected as improperly filed.

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<sup>1</sup> The AAO attempted several times to obtain a properly executed Form G-28 from the petitioner. To date, the AAO has not received a signed Form G-28 from the petitioner.