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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services



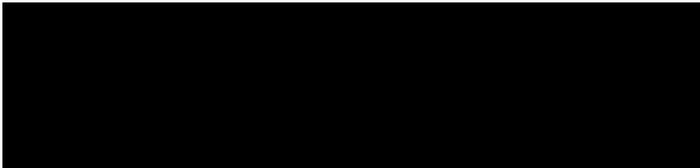
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FILE: WAC 02 180 52197 Office: CALIFORNIA SERVICE CENTER Date: MAR 25 2005

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director of the California Service Center denied the nonimmigrant 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 is a travel agency that seeks to employ the beneficiary as a travel guide. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition, namely, January 9, 1998, and denied the petition accordingly.

The Form G-28, Entry of Appearance as Attorney or Representative, that was submitted in conjunction with the appeal was signed by the beneficiary, not by an authorized representative of the petitioner. Although the petitioner had initially submitted a G-28 signed by [REDACTED], a consultant with [REDACTED] Immigration Services, in the petitioner's response to the director's request for further evidence, John Gunnin, secretary, South [REDACTED] stated that the petitioner did not have an attorney representing the petitioner or the beneficiary. On appeal, only the beneficiary signed the G-28 submitted with the appeal. 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 a petition; the beneficiary of a visa petition is not a recognized party in a proceeding. 8 C.F.R. § 103.2(a)(3). As the beneficiary and his representative are not recognized parties, counsel is not authorized to file 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.