



U.S. Citizenship  
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File: WAC-05-017-53674 Office: CALIFORNIA SERVICE CENTER Date:

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

cc: PATRICIA VARGA  
205 S. CHAPEL AVE., SUITE C  
ALHAMBRA, CA 91801

**DISCUSSION:** The Director, California Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

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. On August 2, 2005, the director determined that the petitioner could not demonstrate that the beneficiary met the experience requirements of the certified ETA 750.

Form G-28, Entry of Appearance as Attorney or Representative, submitted in connection with Form I-290B, indicates that a different attorney filed the appeal on behalf of the beneficiary; different counsel represented the petitioner at the I-140 filing stage. 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). Counsel specifically states on Form I-290B that she represents the beneficiary, and did not properly submit Form G-28 signed by herself, and the petitioner's authorized representative. As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

The record of proceeding contains a properly executed Form G-28 signed by the petitioner's representative and an attorney different than counsel filing the instant appeal. Since it is uncertain whether or not the petitioner obtained new counsel, a copy of this decision will be provided to the petitioner's last known counsel of record. A courtesy copy will also be provided to the beneficiary's counsel.

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