



U.S. Citizenship
and Immigration
Services

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FILE:



WAC-04-010-52885

Office: CALIFORNIA SERVICE CENTER

Date: MAR 06 2008

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:

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: Thomas H. Bohrer

111 N. Sepulveda Blvd., Suite 250, Manhattan Beach, CA 90266

DISCUSSION: The preference visa petition was denied by the Director, California Service Center, and now is before the Administrative Appeals Office (AAO). The appeal will be rejected.

The petitioner is a financial services and management company and seeks to employ the beneficiary as a computer systems analyst (systems analyst). On March 7, 2005, the director denied the petition finding that the petitioner was no longer capable of employing the beneficiary and the current employer did not qualify as a successor-in-interest to the petitioner.

The instant appeal was filed on April 5, 2005 through counsel. Counsel signed the Form I-290B and also checked the box "I am an attorney or representative, and I represent: [REDACTED]". The alien named _____ is the beneficiary of the instant petition. 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). Although counsel represented the petitioner in filing the instant petition, no evidence was submitted showing that the petitioner was willing to file an appeal and authorized counsel 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). A courtesy copy will also be provided to the beneficiary's counsel.

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

ORDER: The appeal is rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1).