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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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JUL 15 2009

FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date:
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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:

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).



John F. Grissom
Acting 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)(I).

The petitioner is an "import and export" business. It seeks to employ the beneficiary permanently in the United States as a stock supervisor. As required by statute, the petition is accompanied by Form ETA 750, Application for Alien Employment Certification, approved by the United States Department of Labor (DOL). The director determined that the petitioner had not established that it has the continuing ability to pay the proffered wage. The director denied the petition accordingly.

The Forms G-28, Entry of Appearance as Attorney or Representative, dated March 26, 2007 and April 9, 2008 respectively, were signed by the beneficiary, not by an authorized representative of the petitioner and not on behalf of the petitioner. Therefore, the representative identified in the Form G-28 is representing the beneficiary and is not representing the petitioner. The Form I-290B that was submitted in response to the March 13, 2008 decision was signed and filed by the representative identified in the above Forms G-28 on behalf of the beneficiary and not on behalf of the petitioner.

U.S. Citizenship and Immigration Services 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 her representative are not recognized parties, the representative is not authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B).

Furthermore, the record shows that [REDACTED] of "South Orange Coast Ministries" filed the instant appeal on behalf of the beneficiary as a representative and that she signed the Form I-290B. As noted above, [REDACTED] previously signed and submitted Forms G-28 with the initial petition. However, the record does not indicate that [REDACTED] is an attorney or authorized representative. To the contrary, [REDACTED] signed the Form G-28 as "a non-profit organization assisting individuals to complete their immigration process free of charge" in Box #4.

The regulation at 8 C.F.R. § 103.2(a)(3) specifies that an affected party may be represented "by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter." 8 C.F.R. § 292.1(a)(3) also permits reputable individuals to represent a petitioner in certain circumstances. An accredited representative is defined in 8 C.F.R. § 292.1(a)(4) as a representative of an organization described in 8 C.F.R. § 292.2, which, in turn, states that only non-profit religious, charitable, social service, or similar organizations recognized by the Board of Immigration Appeals may be so classified.

In this case, the record fails to establish that [REDACTED], or South Orange Coast Ministries, falls within any of the categories of representatives authorized by the regulations to file an appeal on behalf of others, and the appeal must be rejected, even if the petitioner authorized her to represent it.

As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.