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U.S. Department of Homeland Security
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Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
SRC 07 218 50244

Office: TEXAS SERVICE CENTER

Date:

MAR 24 2009

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as an Other, Unskilled Worker Pursuant to Section 203(b)(3) of the Immigrant 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, 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 employer, [REDACTED],¹ seeks to employ the beneficiary permanently in the United States as a cook. As required by statute, a labor certification approved by the Department of Labor accompanied the petition. The director determined that the petitioner designated on the Form I-140, [REDACTED],” had failed to submit sufficient evidence supporting its position as a successor-in-interest and denied the petition accordingly.

The Form I-290B appellate form was filed and signed by the beneficiary. U.S. 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).

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 as improperly filed.

¹ The organization, “[REDACTED]” submitted the I-140 petition and represented itself as the petitioner rather than [REDACTED], which had been specified on the labor certification as the employer. It also made other mistakes relating to addresses given. It subsequently explained these errors and additionally designated itself as the petitioner’s “legal representative” in a letter to the director. [REDACTED] was designated as the petitioner on an amended I-140 that was submitted. The regulation at 8 C.F.R. § 292.1(a)(4) provides that an accredited representative is a person “representing an organization described in § 292.2 of this chapter who has been accredited by the Board.” There is no indication that [REDACTED] is an organization accredited by the Board of Immigration Appeals. See <http://www.USDOJ.gov/eoir/statspub/raroster.htm>. Until such evidence is provided, the director is instructed not to recognize this entity as a representative of any party.