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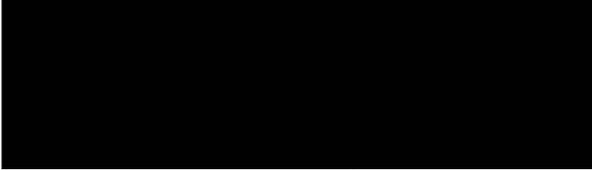


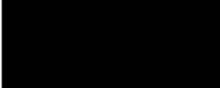
U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship
and Immigration
Services

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FILE: 
SRC-07-261-52744

Office: TEXAS SERVICE CENTER

Date: OCT 27 2009

IN RE: Petitioner: 
Beneficiary: 

PETITION: Immigrant petition for Alien Worker as an Other, Unskilled Worker 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).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas 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).

The petitioner is a construction/framing firm and seeks to employ the beneficiary as a central framer wirer. The director denied the petition finding that the petitioner did not establish its continuing ability to pay the proffered wage from the priority date to the present and that the beneficiary met the requirements mandated on the labor certification.

The instant appeal was filed on October 8, 2008 by a person named [REDACTED]. However, the record of proceeding does not contain any evidence showing that [REDACTED] belongs to any category of persons that U.S. Citizenship and Immigration Services (USCIS) authorizes to appear before it in a representative capacity. The Form G-28, Entry of Appearance as Attorney or Representative (Form G-28), submitted in conjunction with the Form I-290B, signed by [REDACTED] and [REDACTED] indicates that [REDACTED] retained [REDACTED] to file the appeal. The Form G-28 in the record identifies [REDACTED] as an attorney and a member in good standing of the bar of the Supreme Court of Texas. However, the alien named [REDACTED] who signed the Form G-28 and retained [REDACTED] is the beneficiary of the instant petition. 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). The record does not contain any Form G-28 properly executed by the petitioner to authorize [REDACTED] or [REDACTED] to file the instant appeal.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) provides that an appeal filed with USCIS by a person not entitled to file it "must be rejected as improperly filed."

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

ORDER: The appeal is rejected.