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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

B6

FILE:

LIN 07 266 55295

Office: NEBRASKA SERVICE CENTER

Date: FEB 25 2010

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:

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, Nebraska Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The petitioner claims to be a broadcasting and communications business. It seeks to permanently employ the beneficiary in the United States as a product development engineer. The petitioner requests classification of the beneficiary as a skilled worker or professional pursuant to section 203(b)(3)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)(A). The petition is accompanied by an ETA Form 9089, Application for Permanent Employment Certification, certified by the U.S. Department of Labor.

The director denied the petition on December 17, 2007. The decision states that the petitioner failed to establish that the beneficiary possessed the required experience for the offered position, and that the petitioner did not establish its ability to pay the proffered wage.

On January 22, 2008, the petitioner submitted a Form I-290B, Notice of Appeal or Motion. However, the Form I-290B was not signed. The regulation at 8 C.F.R. § 103.2(a)(7)(i) states that "[a]n application or petition which is not properly signed or is submitted with the wrong filing fee shall be rejected as improperly filed." Therefore, the appeal is rejected as improperly filed.<sup>1</sup>

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

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<sup>1</sup>Even if the appeal were properly filed, it would have been dismissed as moot. On December 8, 2009, the petitioner submitted a letter to U.S. Citizenship and Immigration Services stating that it is no longer offering employment to the beneficiary. Without an offer of employment to the beneficiary, the petition cannot be approved.