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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: [REDACTED]
SRC-07-227-53683

Office: TEXAS SERVICE CENTER

Date:

MAR 18 2010

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 concerning your case 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)(1).

The petitioner is a not-for-profit outpatient dialysis and seeks to employ the beneficiary permanently in the United States as a clinical educator. The director denied the petition finding that the position does not qualify for Schedule A designation.

The instant appeal was filed by [REDACTED] with a Form G-28, Notice of Entry of Appearance as Attorney or Representative, with signatures of [REDACTED] and [REDACTED] as the petitioner's legal representative. However, it is not clear whether the petitioner retained and authorized [REDACTED] to file the appeal because the signature of the petitioner's representative is ineligible and different from ones on the Form I-140 petition and other supporting documents. Therefore, on March 5, 2010, the AAO sent a fax requesting the petitioner provide a new Form G-28 properly executed by the petitioner's representative and [REDACTED] within five days. As of this date, the AAO has not received any response from the petitioner.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) defines the meaning of the effective party who can file an appeal as the person or entity with legal standing in a proceeding or their attorney or representative. The record does not contain evidence that the instant appeal was filed by the petitioner or a person retained and authorized by the petitioner to file. 8 C.F.R. § 103.3(a)(2)(v)(A)(1) and (2) state in pertinent parts that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed, and if an appeal is filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the appeal, the appeal is considered improperly filed. Accordingly as the appeal was not properly filed, it will be rejected.

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