

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



B7E

File:

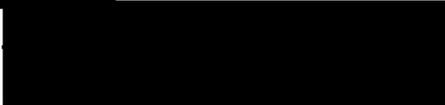


Office: TEXAS SERVICE CENTER

MAR 30 2011
Date:

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:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center (director), denied the immigrant visa petition. The petitioner appealed the decision, and the Administrative Appeals Office (AAO) dismissed the appeal. The matter is currently before the AAO on appeal. The appeal will be rejected.

The petitioner claims to be a silk printing business. It seeks to employ the beneficiary permanently in the United States as a silk screen printer pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3). The petition is accompanied by a Form ETA 750, Application for Alien Employment Certification (labor certification), approved by the U.S. Department of Labor.

On August 4, 2008, the director denied the petition. The director's decision concludes that the petitioner had failed to establish that: (1) it has had the ability to pay the proffered wage from the priority date, and (2) the beneficiary meets the minimum requirements of the offered position as set forth on the labor certification.

The petitioner appealed the decision on September 4, 2008. On September 7, 2010, the AAO dismissed the appeal. The petitioner appealed the AAO's decision on October 8, 2010.

The petitioner's appeal must be rejected. The AAO does not exercise appellate jurisdiction over AAO decisions. The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003). *See* DHS Delegation Number 0150.1; 8 C.F.R. § 103.3(a)(iv). Accordingly, since the AAO does not have jurisdiction over appeals of AAO decisions, this appeal is not properly before the AAO.

As the appeal was not properly filed, and as there is no law or regulation permitting the filing of multiple appeals of the same petition, the petitioner's current appeal must be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.