



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **JUN 05 2012**

Office: TEXAS SERVICE CENTER

FILE: [REDACTED]

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:

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the petitioner's employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a cafe. It seeks to employ the beneficiary permanently in the United States as a buyer. As required by statute, the petition is accompanied by an ETA Form 9089, Application for Permanent Employment Certification, approved by the United States Department of Labor (DOL). The director determined that the petitioner had not established that it had the continuing ability to pay the proffered wage. The director denied the petition accordingly.

The regulation at 8 C.F.R. § 103.2(a)(1) requires that all documents submitted to United States Citizenship and Immigration Services (USCIS) be executed and filed in accordance with the instructions on the form. It is noted that the Instructions to Form I-290B state at Part 4 that "[y]ou or your legal representative must sign and submit Form I-290B." The instructions further state that an appeal or motion must include a signed and completed Form I-290B.

The regulation at 8 C.F.R. § 103.2(a)(2) provides that an applicant or petitioner must sign his or her application or petition. Further, 8 C.F.R. § 103.2(a)(7)(i) provides that "[a]n application or petition which is not properly signed...shall be rejected as improperly filed."

In this matter, the petitioner attempted to file an appeal with an unsigned Form I-290B on March 30, 2009. As the Form I-290B is unsigned, it must be rejected.

ORDER: The appeal is rejected.