

(b)(6)

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

DATE: **SEP 14 2012** OFFICE: NEBRASKA SERVICE CENTER

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:

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.

Thank you,

Kiera Forbes for

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska Service Center (director). 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 dental lab. It seeks to employ the beneficiary permanently in the United States as a dental lab technician, pursuant to Section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i), which provides for the granting of preference classification to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing skilled labor (requiring at least two years training or experience), not of a temporary nature, for which qualified workers are not available in the United States. As required by statute, the petition is accompanied by an ETA Form 9089, Application for Permanent Employment Certification (labor certification), approved by the United States Department of Labor (DOL).

On October 26, 2007, the director denied the petition. The director's decision concludes that the petitioner had not established that it had the continuing ability to pay the proffered wage beginning on the priority date of the visa petition. The petitioner appealed the decision on November 28, 2007. The AAO dismissed the appeal on July 16, 2009. The petitioner appealed the AAO's decision on August 27, 2009.

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. §103.19(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)(1).¹

ORDER: The appeal is rejected.

¹This office is sending a courtesy copy of this decision to the attorney of record at her most current address, although it is noted that her appearance was filed in her capacity as attorney for [REDACTED] which is now a defunct entity.