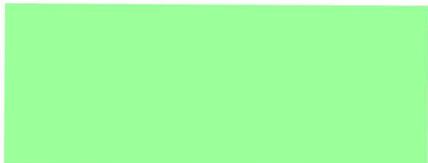


(b)(6)

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

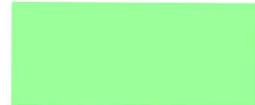


U.S. Citizenship  
and Immigration  
Services

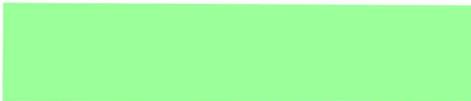


DATE: JUL 30 2013 OFFICE: TEXAS SERVICE CENTER

FILE:



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:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

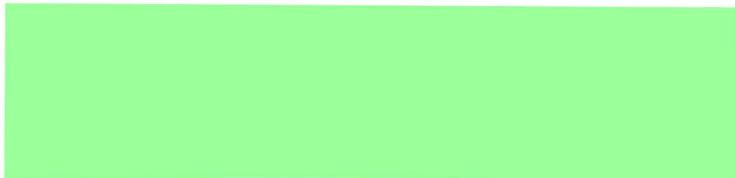
This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in cursive script, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

CC:



**DISCUSSION:** The Director, Texas Service Center (the director), denied the immigrant visa petition and the Administrative Appeals Office (AAO) dismissed a subsequent appeal. The AAO also dismissed a motion to reconsider. It is now before the AAO on a second motion to reconsider. The motion will be dismissed as improperly filed.

The petitioner describes itself as a charter service. It seeks to permanently employ the beneficiary in the United States as a motor coach driver/mechanic. The petitioner requests classification of the beneficiary as a professional or skilled worker pursuant to section 203(b)(3)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A).

The director concluded that the petitioner had not established its ability to pay the proffered wage as of the priority date. The AAO affirmed the director's finding and dismissed the appeal. On motion, the AAO affirmed the prior decisions by the director and the AAO.

The record of proceeding contains a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, completed for the motion to reconsider for the petitioner, [REDACTED] and the representative [REDACTED] however, the signature on the form G-28 appears to be that of the beneficiary and not the individual authorized to represent the petitioner. The regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) specifically prohibits a beneficiary of a visa petition, or a representative acting on a beneficiary's behalf, from filing a motion to reconsider. On July 8, 2013, the AAO sent a facsimile to [REDACTED] requesting that he submit a properly executed Form G-28 for the motion which is signed by the petitioner, within seven days, authorizing him to file the motion to reconsider.<sup>1</sup> To date, the AAO has not received a response. There is no evidence in the record that the petitioner consented to the filing of the appeal.

Without a new, fully executed Form G-28 authorizing [REDACTED] to represent the petitioner, the AAO cannot consider the motion to have been properly filed and it must be dismissed. 8 C.F.R. §§ 103.5(a)(1)(iii)(A) and 103.5(a)(4).

**ORDER:** The motion is dismissed.

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<sup>1</sup> The AAO also attempted to contact the petitioner in this case; however, the petitioner is no longer located at its last known address or phone number and a new address and phone number could not be found.