

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

B5

PUBLIC COPY



FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAR 06 2007
WAC 05 211 50445

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF THE CHURCH OF SCIENTOLOGY INTERNATIONAL:

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 must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

Part 1 of the Form I-140 petition, "Information about the person or organization filing this petition," begins with the instruction: "If an individual is filing, use the top name line. Organizations should use the second line." On the Form I-140 in the record, both lines have been used. The "name" line (for individual petitioners) identifies the alien beneficiary. The "organization" line identifies the Church of Scientology International as the petitioner. Review of the petition form indicates that the alien beneficiary is the petitioner. An applicant or petitioner must sign his or her application or petition. 8 C.F.R. § 103.2(a)(2). In this instance, Part 8 of the Form I-140, "Signature," has been signed not by any official of the church, but by the alien beneficiary himself. Thus, the alien, and not the church, has taken responsibility for the content of the petition.

The director, in denying the petition, addressed the denial notice to the self-petitioning alien beneficiary, in care of a church official named on the Form I-140 petition. The denial notice was, therefore, properly served.

8 C.F.R. § 103.3(a)(2)(v) states that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee CIS has accepted will not be refunded. Here, the party that filed the appeal was not the petitioner, nor by any attorney or accredited representative of the petitioner, but rather an official of the Church of Scientology International, which has no standing to file an appeal on the petitioner's behalf. We must, therefore, reject the appeal as improperly filed.

Even if the appeal had been properly filed, it would have been summarily dismissed. 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, "[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

On the Form I-290B Notice of Appeal, filed on January 23, 2006, a church official indicated that a brief would be forthcoming within thirty days. To date, over a year later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The statement on the appeal form reads, in its entirety: "The denial of the I-140 petition violates due process and ignores substantial evidence in the record. The decision is unsupported by statute, regulation or precedent decision and is factually erroneous." This is a general statement that makes no specific allegation of error; it is a series of conclusions unsupported by premises. For instance, the petitioner does not identify any particular evidence in the record or explain how that evidence overcomes the stated grounds for denial. Vague allegations of error are not sufficient grounds for a substantive appeal. Therefore, the appeal would have been summarily dismissed had it not been rejected.

We note the approval of another petition, WAC 03 269 53900, seeking a different classification on the alien beneficiary's behalf. The rejection of the present appeal has no direct effect on the approval of the other petition or on any proceedings predicated upon the approved petition.

ORDER: The appeal is rejected.