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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
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Washington, D.C. 20536



Identifying data deleted to
prevent clearly unwarranted
disclosure of personal privacy

File: WAC-00-100-52803 Office: California Service Center

Date: **JAN 03 2002**

IN RE: Petitioner:
Beneficiary:



Petition: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. 1101(a)(27)(C)

IN BEHALF OF PETITIONER: Self-represented

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

The petitioner is a Buddhist temple. It seeks classification of the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. 1153(b)(4), in order to employ her as a Buddhist nun and meditation teacher at a salary of \$300 per month plus room and board.

The petition was filed on May 22, 2000, by an official of the temple. The petitioner was not represented by counsel.

The petition was denied on multiple grounds by the center director in a decision dated January 6, 2001.

A Form I-290B Notice of Appeal was timely filed by the beneficiary on February 5, 2001.

Pursuant to 8 C.F.R. 103.3(a)(1)(iii)(b) the beneficiary of a visa petition has no legal standing in the petition proceeding and thereby has no standing to file an appeal.

8 C.F.R. 103.3(a)(2)(v) states:

Improperly filed appeal--(A) Appeal filed by person or entity not entitled to file it--(1) Rejection without refund of filing fee. 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 the Service has accepted will not be refunded.

The appeal has not been filed by the petitioner, nor by any entity with legal standing in the proceeding; but rather, by the beneficiary. Therefore, the appeal has not been properly filed and must be rejected.

ORDER: The appeal is rejected.