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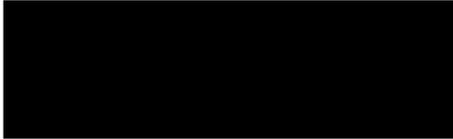
U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE

425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

PUBLIC COPY

APR 10 2003



File: WAC 01 219 51849 Office: CALIFORNIA SERVICE CENTER Date:

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)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

INSTRUCTIONS:

This is the decision 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, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, California Service Center. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be rejected.

The petitioner is a church. 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).

The petition was filed by the pastor of the church on April 30, 2001. He was not represented by counsel. The center director denied the petition on March 19, 2002, finding that the evidence submitted was insufficient to establish that the beneficiary has been performing full-time work as a religious worker for the two-year period immediately preceding the filing date of the petition.

The record of proceeding contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, dated January 31, 2002, signed by the beneficiary, but not by an authorized official of the petitioner. Counsel for the beneficiary filed a Form I-290B, Notice of Appeal, on April 20, 2002.

8 C.F.R 103.3(a)(1)(iii), states in pertinent part:

(B) *Meaning of affected party.* For the purposes of this section and sections 103.4 and 103.5 of this part, *affected party* . . . means the person or entity with legal standing in the proceeding. It does not include the beneficiary of a visa petition.

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 . . . 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 counsel for the beneficiary. Therefore, the appeal has not been properly filed and must be rejected.

ORDER: The appeal is rejected.