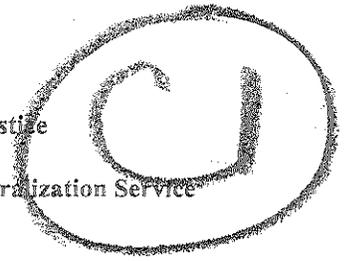




U.S. Department of Justice  
Immigration and Naturalization Service



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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



File: EAC 98 001 50331      Office: VERMONT SERVICE CENTER      Date: JAN 15 2003

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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 MOVANT:

SELF-REPRESENTED

**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.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

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

**DISCUSSION:** The immigrant visa petition was denied by the Director, Vermont Service Center. An appeal was dismissed by the Associate Commissioner for Examinations. The matter is again before the Associate Commissioner on motion to reconsider. The motion will be rejected.

The petitioner is a religious organization. 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 him as a religious instructor.

The Imam of the petitioner filed the Form I-360 visa petition. The petitioner was represented by counsel who submitted a duly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative. The petition was denied on its merits. The petitioner, through counsel, filed an appeal from the decision. The appeal was dismissed by the Associate Commissioner, by and through the Director, Administrative Appeals Office (AAO).

The beneficiary now files a motion to reconsider the prior proceeding. The beneficiary states that he is no longer represented by counsel. The beneficiary alone signed the motion.

8 CFR 103.5(a)(1)(iii)(A) states that a motion must be signed by the *affected party*.

8 CFR 103.3(a)(1)(iii) states, in pertinent part:

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

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

**ORDER:** The motion is rejected.