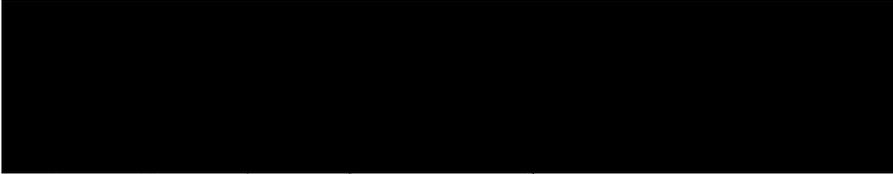




U.S. Citizenship
and Immigration
Services

cl



FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: SEP 16 2006

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

PETITION: Immigrant 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

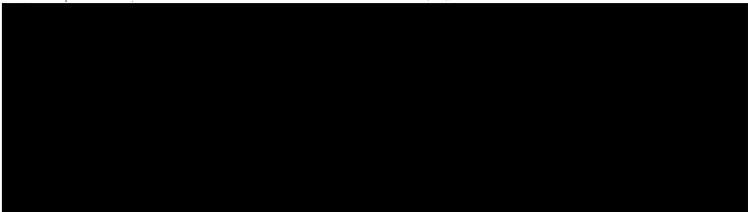
INSTRUCTIONS:

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, Director
Administrative Appeals Office

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

cc:



PUBLIC COPY

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

The petitioner is a church. It seeks to classify 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), to perform services as a pastor. The director determined that the petitioner had not established (1) that the beneficiary had the requisite two years of continuous work experience as a pastor immediately preceding the filing date of the petition; (2) that the position offered qualifies as a religious occupation or vocation; or (3) its status as a tax-exempt religious organization.

The Form G-28, Entry of Appearance as Attorney or Representative, that was submitted in conjunction with the initial filing of the petition, was signed by Badru I. Rubiu of Liberty Immigration & Citizenship Service, Inc., identified on the form as "a non-profit immigration counseling service approved by Immigration and Naturalization Service as a community-based organization."

The Citizenship and Immigration Services (CIS) regulation at 8 C.F.R. § 103.2(a)(3) specifies that a petitioner may be represented "by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter." Pursuant to 8 C.F.R. §§ 292.1(a)(4) and 292.2(a), an accredited representative is a person that the Board of Immigration Appeals (BIA) has accredited to represent a particular "non-profit religious, charitable, social service, or similar organization established in the United States" that the BIA has recognized as an organization which may provide accredited representatives. Liberty Immigration & Citizenship Service, Inc., is not on the roster of recognized organizations and accredited representatives compiled by the Executive Office of Immigration Review.

is not attempting to enter an appearance as an attorney, and there is no evidence that has been accredited by the BIA as a representative of a BIA-recognized organization, or, for that matter, that Liberty Immigration & Citizenship Service has been recognized by the BIA as a non-profit religious, charitable, social service, or similar organization that is qualified to provide accredited representatives.

The documents submitted on appeal include no new materials from the petitioning church. The appeal contains no evidence or indication that the petitioner was even aware of this appeal, let alone that the petitioner actively participated in its preparation or filing.

Citizenship and Immigration Services regulations specifically state that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. 8 C.F.R. §§ 103.3(a)(2)(v)(A)(I). Here, the person who filed the appeal was not an entitled to do so. 8 C.F.R. § 103.2(a)(3). Accordingly, the AAO will reject the appeal pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.