

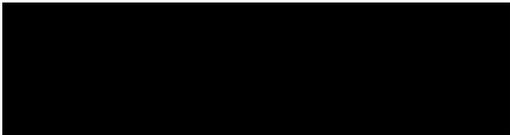
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U.S. Department of Homeland Security  
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U.S. Citizenship  
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Services

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CI

FILE: [Redacted]  
EAC 03 182 53720

Office: VERMONT SERVICE CENTER

Date: JUN 16 2005

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.

for Robert P. Wiemann, Director  
Administrative Appeals Office

CC: [Redacted]

**DISCUSSION:** The Director, Vermont Service Center denied the special immigrant religious worker petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal.

The regulation at 8 C.F.R. § 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 Citizenship and Immigration Services [CIS]) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

Further, the regulation at 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 CIS 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 counsel for the beneficiary, who personally signed the I-290B Notice of Appeal, and identified himself, rather than the petitioner, as the "Person Filing Appeal." We note that while the beneficiary is represented by [REDACTED] the record does not contain a Form G-28 from [REDACTED] indicating his representation of the petitioner. Although [REDACTED] signed the Form I-360 indicating his preparation of the form, the preparation of this petition is not tantamount to filing notice of his appearance on behalf of the petitioner. See 8 C.F.R. § 292.4(a).

As cited in the regulation above, the beneficiary is not considered to be an affected party. As the appeal was filed by counsel for the beneficiary and there is no evidence that counsel also represents the petitioner, the appeal has not been properly filed, and must be rejected, pursuant to the above regulations.

**ORDER:** The appeal is rejected.