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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

C1

[Redacted]

FILE: [Redacted] WAC 03 194 54314

Office: CALIFORNIA SERVICE CENTER

Date: MAR 1 2004

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:

[Redacted]

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

DISCUSSION: The Director, California 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 record reflects that the Form I-360 petition was filed by a self-petitioner. The Notice of Entry of Appearance as Attorney or Representative, Form G-28, further reflects that the self-petitioner is represented by an attorney who prepared the Form I-360 on the self-petitioner's behalf. The appeal, however, has not been filed by the self-petitioner, her attorney of record, or any other entity with legal standing in the proceeding, but rather by Reverend Mary Gay, the Executive Director of the Church of Scientology of Nevada with whom the self-petitioner seeks employment. Reverend Gay personally signed the I-290B Notice of Appeal, and identified herself, rather than the self-petitioner, as the "Person Filing Appeal" on that form.

As Reverend Gay had no legal standing in the proceeding and was, therefore, not entitled to file the appeal, the appeal cannot be considered as properly filed, and must be rejected, pursuant to the above regulations.

ORDER: The appeal is rejected.