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



C1

FILE: [REDACTED]
EAC 03 019 53201

Office: VERMONT SERVICE CENTER

Date: MAR 17 2015

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

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 record reflects that the Form I-360 petition was filed on October 8, 2002. The petition seeks to classify James W. Cahill 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. [REDACTED] signed the petition under penalty of perjury. No other person or entity signed the petition. Accordingly, [REDACTED] is considered to be a self-petitioner.

The appeal, however, has not been filed by the self-petitioner or any other entity with legal standing in the proceeding, but rather by Ronald S. Hughes, Chairman of the Board of Deacons for the St. Albans Union Church, with whom the self-petitioner seeks employment. Mr. Hughes personally signed the I-290B Notice of Appeal, and identified himself, rather than the self-petitioner, as the "Person Filing Appeal" on that form.

As Mr. Hughes has no legal standing in the proceeding and is, 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.