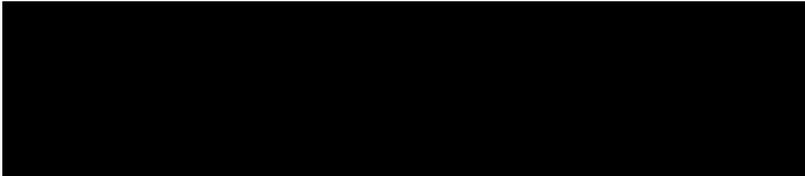


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FILE: EAC 05 182 51536 Office: VERMONT SERVICE CENTER Date: **AUG 09 2006**

IN RE: Petitioner:
Beneficiary:



PETITION: Nonimmigrant Petition for Religious Worker Pursuant to Section 101(a)(15)(R)(1) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(R)(1)

ON BEHALF OF PETITIONER:



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, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition. The director reopened the matter on the petitioner's motion, and reaffirmed the denial. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

When the director first denied the petition, the director correctly indicated that the regulations make no provision to allow the petitioner to appeal the denial of an R-1 nonimmigrant visa petition. When reaffirming the denial on motion, however, the director provided instructions on how to appeal the decision to the AAO. This language was included in error, because, as the director had earlier noted, the regulations do not provide for appeals of R-1 denials. The director's erroneous inclusion of appeal instructions in the denial notice does not supersede the AAO's regulatory lack of appellate authority regarding R-1 nonimmigrant religious worker petitions.

Because there is no provision to allow the petitioner to appeal the director's decision, the appeal cannot be accepted, and therefore must be rejected.

ORDER: The appeal is rejected.