



U.S. Citizenship  
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **SEP 18 2006**

WAC 05 061 52829

IN RE:

Petitioner:

Beneficiary:



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, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office 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 and evangelist. The director determined that the petitioner had not established that the beneficiary had the requisite two years of continuous work experience as a pastor and evangelist immediately preceding the filing date of the petition.

Attorney Ian Silverberg, who states on the Form I-290B Notice of Appeal that he represents the beneficiary, filed the appeal. He does not state, on appeal, that he represents the petitioner or that he is filing the appeal on behalf of the petitioner. The record contains two Forms G-28, Notice of Entry of Appearance as Attorney or Representative, indicating that Mr. Silverberg represents the beneficiary, but there is no Form G-28 showing that he represents the petitioner.

8 C.F.R. § 103.3(a)(1)(iii) states that, for purposes of appeals, certifications, and reopening or reconsideration, *affected party* (in addition to the Citizenship and Immigration Services) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

8 C.F.R. § 103.3(a)(2)(v) states that 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 the Service has accepted will not be refunded.

The appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding, but rather by the attorney for the beneficiary. Therefore, the appeal has not been properly filed, and must be rejected.

**ORDER:** The appeal is rejected.