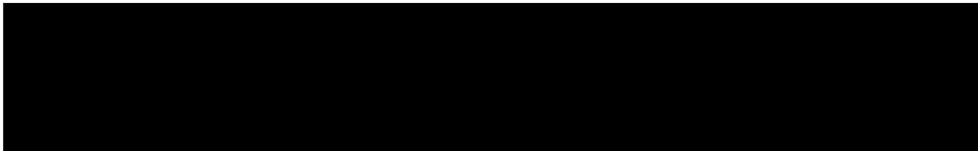


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U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:

EAC 06 023 52741

Office: VERMONT SERVICE CENTER

Date: **AUG 27 2007**

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.

for 
for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks classification 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 minister at [REDACTED]. The director determined that the petitioner had not established that he had the requisite two years of continuous work experience as a minister immediately preceding the filing date of the petition.

8 C.F.R. § 103.3(a)(1)(iii)(B) states that, for purposes of appeals, certifications, and reopening or reconsideration, *affected party* (in addition to the Citizenship and Immigration Services [CIS]) means the person or entity with legal standing in a proceeding. 8 C.F.R. § 103.3(a)(2)(v)(A)(I) 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 CIS has accepted will not be refunded.

Part 1 of the Form I-360 petition identifies the alien beneficiary as the petitioner, with a mailing address in care of [REDACTED]. The self-petitioning beneficiary signed Part 9 of the Form I-360. Thus, the alien beneficiary himself, and not the church, has taken responsibility for the content of the petition.

When the director denied the petition on May 19, 2006, the director properly addressed the denial notice to the self-petitioning alien beneficiary.

The Form I-290B Notice of Appeal was signed and filed by [REDACTED]. The appeal included a Form G-28, Notice of Appearance as Attorney or Representative, signed by [REDACTED] and by [REDACTED] an official of the above-named church. [REDACTED] indicated that he also represented the self-petitioning beneficiary, but the petitioner did not acknowledge or affirm this representation by signing the Form G-28.

Pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(2) and its subsections, if an appeal is filed by an attorney or representative without a properly executed Form G-28 entitling that person to file the appeal, the appeal is considered improperly filed. If the appeal is otherwise properly filed, the regulations instruct CIS to allow the attorney or representative 15 days to submit a properly executed Form G-28.

Accordingly, on July 10, 2007, the AAO requested a Form G-28 signed by [REDACTED] and by the self-petitioning beneficiary. To date, six weeks later, the AAO has received no response. The AAO will therefore reject the appeal pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A).

The appeal has not been filed by the petitioner, nor by any entity with legal standing in the proceeding. Therefore, the appeal has not been properly filed, and must be rejected.

ORDER: The appeal is rejected.