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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: **MAY 29 2008**  
WAC 07 063 51522

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, 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 subsidiary church of the Good News Mission, based in South Korea with regional offices in the United States. 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. The director determined that the petitioner had not established: (1) that the beneficiary had the requisite two years of continuous work experience as a pastor immediately preceding the filing date of the petition; (2) the existence of a qualifying job offer; or (3) the prospective employer's ability to pay the beneficiary's salary.

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. It does not include the beneficiary of a visa petition.

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.

The Form I-360 petition was signed by Pastor [REDACTED] of Good News Grace Church in Albuquerque, New Mexico. The appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding, but rather by Good News Central Church in Los Angeles, California. That church's claimed affiliation with the petitioning church does not make Good News Central Church an affected party with standing to file an appeal on the petitioner's behalf. Therefore, the appeal has not been properly filed, and must be rejected.

We note that, in a letter submitted on appeal, Pastor [REDACTED] states: "By mistake, I filed I-360 as the petitioner . . . but surely I should change the petitioner to Rev. [REDACTED] of Good News Central Church in L.A." The petitioner cannot, however, simply transfer or reassign responsibility for the petition in this way. Pastor [REDACTED] signed Form I-360, and thereby took responsibility for the petition; he could have signed the Form I-290B Notice of Appeal and filed a valid appeal, but he chose instead to disavow responsibility for the petition and leave the appeal to an unaffected party, Rev. [REDACTED] of Good News Central Church, who signed the appeal form instead. The improperly filed appeal must be, and hereby is, rejected.

**ORDER:** The appeal is rejected.