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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **AUG 31 2005**  
WAC 04 032 50025

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

PETITION: 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.

*Mai Johnson*

*Sp* Robert P. Wiemann, Director  
Administrative Appeals Office

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

The Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, filed with Citizenship and Immigration Services (CIS), indicates that [REDACTED] is the petitioner. The petition, however, is signed by [REDACTED]. Therefore, [REDACTED] cannot be considered as having filed the petition on behalf of Mr. [REDACTED], and Mr. [REDACTED] shall be considered as the self-petitioner.

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 §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

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 the Service has accepted will not be refunded.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. The Form I-290B, Notice of Appeal to the Administrative Appeals Unit, is signed by Reverend [REDACTED]. The record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing Reverend [REDACTED] to act on behalf of the petitioner, and Reverend [REDACTED] is not recognized as an authorized or accredited representative pursuant to 8 C.F.R. § 292.1(a). The appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding. Therefore, the appeal has not been properly filed and must be rejected.

Additionally, the appeal is untimely filed.

To properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days after service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b).

The record indicates that the director issued the decision on March 4, 2005. The appeal, dated March 31, 2005, was received by the service center on April 8, 2005, 35 days after the decision was issued. Accordingly, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.