**U.S. Department of Homeland Security**
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

**U.S. Citizenship and Immigration Services**

[redacted]

FILE: [redacted] Office: TEXAS SERVICE CENTER Date:

IN RE: Petitioner: [redacted]
Beneficiary:

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.

Robert P. Wiemann, Director
Administrative Appeals Office

cc: [redacted]

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

**DISCUSSION:** The Director, Texas Service Center, initially approved the employment-based immigrant visa petition on August 18, 1999. On a Citizenship and Immigration Services (CIS) motion to reopen, the director determined that the petition had been approved in error and properly served the petitioner with a Notice of Intent to Revoke, and gave the petitioner the opportunity to submit additional evidence. The director subsequently exercised her discretion to revoke approval of the petition. The petition is now before the Administrative Appeals Office (AAO) 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 foreign missions director and head of its missions board. The director determined that the petitioner had not established that the beneficiary had been engaged continuously in a qualifying religious vocation for two full years immediately preceding the filing of the visa petition, that the position qualified as that of a religious worker, or that it had the ability to pay the beneficiary the proffered salary.

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.

The beneficiary filed the appeal. Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. As the appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding the appeal has not been properly filed and must be rejected.

**ORDER**: The appeal is rejected.