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

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U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: NOV 1 0 2004

IN RE: Petitioner: [redacted]
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:

[redacted]

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.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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

The regulation at 8 C.F.R. § 103.2(a)(2) states, in pertinent part: "An applicant or petitioner must sign his or her application or petition. . . . By signing the application or petition, the applicant or petitioner . . . certifies under penalty of perjury that the application or petition, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct."

The Form I-360 petition form, as submitted by the petitioner, includes the following sections:

> **Part 9. Signature.**
> I certify, or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America, that this petition, and the evidence submitted with it, is all true and correct. If filing this on behalf of an organization, I certify that I am empowered to do so by that organization. I authorize the release of any information from my records, or from the petitioning organization's records, which the Immigration and Naturalization Service needs to determine eligibility for the benefit being sought.
>
> *Signature*_____ Date_____
>
> **Part 10. Signature of person preparing form if other than above. (sign below)**
> I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.
>
> **Signature**_____ Print Your Name_____ Date_____

The petitioner signed Part 10 of the Form I-360, thus attesting only to having prepared the petition form. Part 9, which, by regulation, must be signed, is blank. Thus, the petitioner has not certified the accuracy of the petition under penalty of perjury, and the petition was not properly filed. The director's error in accepting the petition for processing does not oblige the AAO to proceed with the adjudication of the appeal. We are not required to treat acknowledged errors as binding precedent. *Sussex Engg. Ltd. v. Montgomery*, 825 F.2d 1084, 1090 (6th Cir. 1987), *cert. denied*, 485 U.S. 1008 (1988).

Because the petition was never properly filed, there is, in effect, no proceeding to speak of, and no valid appeal for us to consider.

ORDER: The appeal is rejected.