identifying data deleted to prevent clearly unwarranted invasion of personal privacy

PUBLIC COPY

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

U.S. Citizenship and Immigration Services

C1

[redacted]

FILE: WAC 03 085 53474 Office: CALIFORNIA SERVICE CENTER Date: JAN 04 2005

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Nonimmigrant Petition for Religious Worker Pursuant to Section 101(a)(15)(R)(1) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(R)(1)

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

DISCUSSION: The Director, California 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 director provided instructions on how to appeal the decision to the AAO. This language was included in error, because the regulations do not provide for appeals of R-1 denials. The director's erroneous inclusion of appeal instructions in the denial notice does not supersede the AAO's regulatory lack of appellate authority regarding R-1 nonimmigrant religious worker petitions.

Because there is no provision to allow the petitioner to appeal the director's decision, the appeal cannot be accepted, and therefore must be rejected.

Apart from the Form I-290B Notice of Appeal, other materials submitted by the petitioner refer to the filing as a motion to reopen or reconsider. Pursuant to 8 C.F.R. § 103.5(a)(1)(ii), jurisdiction over motions lies with the office that rendered the decision that is the subject of the motion, in this case the California Service Center.

ORDER: The appeal is rejected.