U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship and Immigration Services

PUBLIC COPY

[redacted]

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MAY 26 2008

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date:
WAC 02 289 50300

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.

Marc Johnson

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California Service Center denied the special immigrant religious worker petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal.

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 sections 103.4 and 103.5 of this part, *affected party* (in addition to 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.

Further, 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 CIS has accepted will not be refunded.

The record reflects that the Form I-360 petition was signed by as a self-petitioner. The appeal, however, has not been filed by the self-petitioner, or any other entity with legal standing in the proceeding, but rather by , on behalf of The Church in Yorba Linda, the church for which the self-petitioner seeks to be employed. The Notice of Entry of Appearance as Attorney or Representative, Form G-28, contained in the record was signed by president and elder of The Church in Yorba Linda. The Form G-28 does not contain the self-petitioner's signature. Accordingly, there is no evidence to indicate that Wilfred Brooks also represents the self-petitioner. personally signed the I-290B Notice of Appeal, and identified herself, rather than the self-petitioner, as the "Person Filing Appeal" on that form, on behalf of The Church in

As The Church in represented by had no legal standing in the proceeding and was, therefore, not entitled to file the appeal, the appeal cannot be considered as properly filed, and must be rejected, pursuant to the above regulations.

ORDER: The appeal is rejected.