

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



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: AUG 16 2005
SRC 01 192 56527

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

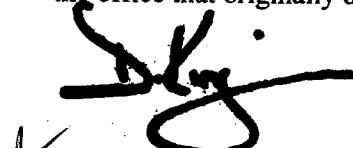
PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center. The Administrative Appeals Office (AAO) summarily dismissed a subsequent appeal. The matter is now before the AAO on a motion to reopen *nunc pro tunc*. The motion will be dismissed.

The regulation at 8 C.F.R. § 103.5(a)(1)(iii) states, in pertinent part:

Filing Requirements—A motion shall be submitted . . .

- (A) In writing and signed by the affected party or the attorney or representative of record, if any.

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 motion is signed by [REDACTED]. The record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing Mr. [REDACTED] to act on behalf of the petitioner. The beneficiary signed the only G-28 submitted by Mr. [REDACTED].

As only an affected party, a person or entity with legal standing, may file a motion, the motion has not been filed by any entity with legal standing in the proceeding. Therefore, the motion has not been properly filed and must be dismissed.

ORDER: The motion is dismissed.