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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: OCT 10 2006
WAC 03 258 53215

IN RE: Petitioner: [redacted]
Beneficiary: [redacted]

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:

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, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The alien beneficiary seeks classification 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 a member of the Sea Organization for the Church of Scientology Western United States (CSWUS). The director determined that the petitioner had not established that the beneficiary had the requisite two years of continuous work experience in the proffered position immediately preceding the filing date of the petition. In addition, the director determined that the petitioner had not established that the position qualifies as a religious occupation.

Part 1 of the Form I-360 petition, "Information about person or organization filing this petition," has spaces for a person's name and for an organization's name. In this instance, both the alien beneficiary and CSWUS are listed as the petitioner. Review of the petition form, however, indicates that the alien beneficiary is the sole petitioner. An applicant or petitioner must sign his or her application or petition. 8 C.F.R. § 103.2(a)(2). In this instance, Part 9 of the Form I-360, "Signature," has been signed not by any official of CSWUS, but by the alien beneficiary herself. Thus, the alien, and not CSWUS, has taken responsibility for the content of the petition.

8 C.F.R. § 103.3(a)(1)(iii) states that, for purposes of appeals, certifications, and reopening or reconsideration, "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. 8 C.F.R. § 103.3(a)(2)(v) states that 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.

8 C.F.R. § 103.5a(a)(1) defines "routine service" as mailing a copy by ordinary mail addressed to a person at his last known address. The director addressed the denial notice to the alien beneficiary at CSWUS, because the beneficiary had provided no separate address for herself. Therefore, the director properly served the notice of denial on the petitioner (*i.e.*, the beneficiary) at her address of record.

Here, the appeal was filed not by the petitioner, but by an official of CSWUS, which has no standing to file an appeal on the petitioner's behalf. We must, therefore, reject the appeal as improperly filed.

ORDER: The appeal is rejected.