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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:

WAC 06 064 52895

Office: CALIFORNIA SERVICE CENTER

Date: JUN 07 2007

IN RE:

Petitioner:

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:

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 petitioner is a church. It seeks to classify the beneficiary 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 deaconess. The director determined that the petitioner had not established that it qualifies as a tax-exempt non-profit religious organization under section 501(c)(3) of the Internal Revenue Code of 1986, that the beneficiary had the requisite two years of continuous work experience as a deaconess immediately preceding the filing date of the petition, or that it had made a qualifying job offer to the beneficiary.

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 the Citizenship and Immigration Services) 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 the Service has accepted will not be refunded.

The appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding, but rather by an immigration consultant who claims to represent the beneficiary. There is no evidence that the consultant [REDACTED] of [REDACTED] represents the petitioner. Furthermore, [REDACTED] does not claim to be an attorney or an accredited representative of any organization recognized by the Board of Immigration Appeals. Therefore, even if he claimed to represent the petitioner, he would lack standing to do so. Therefore, the appeal has not been properly filed, and must be rejected.

ORDER: The appeal is rejected.