

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



C1

Date: **APR 19 2012** Office: CALIFORNIA SERVICE CENTER

FILE:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The petitioner is a church. It seeks to employ the beneficiary permanently in the United States as a senior pastor/minister. The director determined that the petitioner had not established that the beneficiary had the requisite two years of continuous, lawful, qualifying work experience immediately preceding the filing date of the petition.

The record of proceeding contains an executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative dated November 4, 2010, for the beneficiary's representative, [REDACTED]. The AAO sent [REDACTED] a request for a new Form G-28 on March 20, 2012 to be completed and signed by the petitioner, but [REDACTED] instead resubmitted a copy of the same November 4, 2010 Form G-28, indicating that he is representing only the beneficiary. The record of proceeding does not contain a Form G-28 indicating that [REDACTED] has represented the petitioner. Additionally, [REDACTED] signed the Form I-290B, Notice of Appeal or Motion. United States Citizenship and Immigration Services' (USCIS) regulations specifically prohibit any entity other than the affected party or its representative from filing an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). No evidence suggests that the affected party, the petitioner in this instance, consented to the filing of the appeal.

As the appeal was not properly filed, and it is unclear whether or not the petitioner consented to having an appeal filed on its behalf, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.

¹ The AAO notes that [REDACTED] rather than an employee or officer of the [REDACTED] signed the Form I-360 petition. The regulations do not permit any individual who is not the petitioner to sign the Form I-360 on behalf of a U.S. employer. Pursuant to the regulation at 8 C.F.R. § 103.2(a)(7)(i), an application or petition which is not properly signed shall be rejected as improperly filed, and no receipt date can be assigned to an improperly filed petition. While the service center did not reject the petition, the AAO is not bound to follow the contradictory decision of a service center. *Louisiana Philharmonic Orchestra v. INS*, 2000 WL 282785 at *3 (E.D. La.), *aff'd*, 248 F.3d 1139 (5th Cir. 2001), *cert. denied*, 122 S.Ct. 51 (2001).