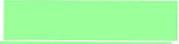
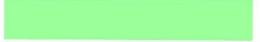




U.S. Citizenship
and Immigration
Services

(b)(6)



Date: **JAN 30 2013** 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:

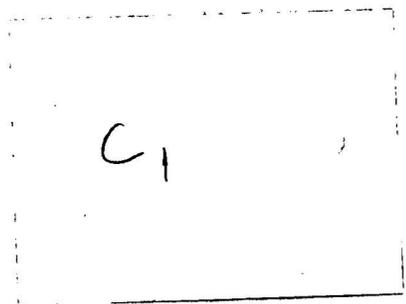


INSTRUCTIONS:

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,


Ron Rosenberg
Acting Chief, Administrative Appeals Office



DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition. The petitioner appealed the decision to the Administrative Appeals Office (AAO) on February 9, 2012. The AAO dismissed the appeal. The petitioner filed a subsequent appeal with the AAO on September 26, 2012. The AAO will reject the appeal.

The petitioner is a religious congregation. 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 priestly ministry/religious chaplain. 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. In dismissing the petitioner's subsequent appeal, the AAO agreed with the director's determination and additionally found that the Form I-360 petition was not properly filed and that the petitioner failed to establish its ability to compensate the beneficiary.

In its August 27, 2012 dismissal, the AAO gave notice to the petitioner that if it believed the AAO inappropriately applied the law in reaching its decision, or had additional information it wished to have considered, it had 30 days to file a motion to reconsider or a motion to reopen, and that the specific requirements for filing such a motion could be found at 8 C.F.R. § 103.5. On September 26, 2012, the petitioner appealed the AAO's decision rather than filing a motion to reopen or reconsider.

The petitioner's September 26, 2012 appeal must be rejected. The AAO does not exercise appellate jurisdiction over AAO decisions. The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003). *See* DHS Delegation Number 0150.1; 8 C.F.R. § 103.3(a)(iv). Accordingly, the appeal is not properly before the AAO.

Therefore, as the appeal was not properly filed, it will be rejected.

ORDER: The appeal is rejected.