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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:



Office: VERMONT SERVICE CENTER

Date: **AUG 03 2007**

EAC 05 247 52869

IN RE:

Petitioner:



Beneficiary:

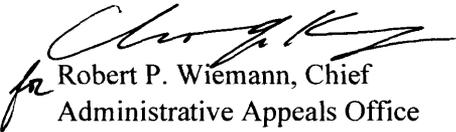
PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

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, Vermont 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 minister at Calvary Methodist Episcopal Church in Lowell, Massachusetts. The director determined that the petitioner had not established that the church had made a qualifying job offer to the beneficiary.

Part 1 of the Form I-360 petition identifies the church as the petitioner. Review of the petition form, however, indicates that the alien beneficiary is the 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 the church, but by the alien beneficiary himself. Thus, the alien, and not the church, has taken responsibility for the content of the petition.

8 C.F.R. § 103.3(a)(1)(iii)(B) 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. 8 C.F.R. § 103.3(a)(2)(v)(A)(I) 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.

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

We note that the record contains Form G-28, Notice of Entry of Appearance as Attorney or Representative, on which [REDACTED] claims to represent the beneficiary. On that form, [REDACTED] checked a box which reads: "I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board [of Immigration Appeals]:" There is a space for the representative to identify the organization, but [REDACTED] left the space blank.

If [REDACTED] were, in fact, an accredited representative of a Board-recognized organization, then he would be entitled to represent the beneficiary pursuant to 8 C.F.R. § 292.1(a)(4). [REDACTED] however, provided no evidence of this accreditation. His status as a church official does not automatically qualify him as an accredited representative of a Board-recognized religious organization. A roster of recognized organizations and accredited representatives, available at <http://www.usdoj.gov/eoir/statspub/recognitionaccreditationroster.pdf>, does not name [REDACTED] or his church. On March 20, 2007, the AAO wrote to [REDACTED] requesting evidence to show that he is properly qualified to represent the petitioner. Because the record contains no response to this notice, the AAO considers the record to be complete as it now stands.

The appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding, but rather by a church official who claims to be an accredited representative of an unnamed organization. Therefore, the appeal has not been properly filed, and must be rejected.

ORDER: The appeal is rejected.