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U.S. Department of Homeland Security
20 Massachusetts Ave. N.W., Rm. 3000
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:



Office: TEXAS SERVICE CENTER

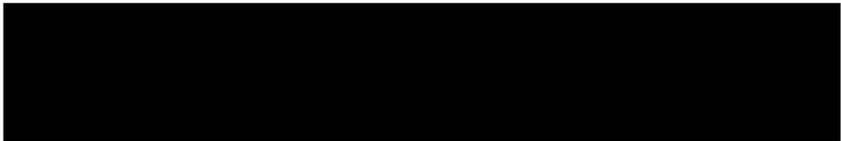
Date:

DEC 08 2008

SRC 98 004 51661

IN RE:

Petitioner:



Beneficiary:

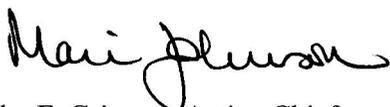
PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

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.


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, initially approved the employment-based immigrant visa petition but later revoked that approval. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal.

The AAO notes that the petitioner was previously represented by attorney [REDACTED]. The Florida Bar, however, lists that attorney's current status as "Inactive – Not Eligible to practice in Florida."¹ (The record reflects no recent action by that former attorney.) There is no evidence that a different attorney has since stepped in to represent the petitioner in this proceeding.

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 United States Citizenship and Immigration Services [USCIS]) 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)(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 USCIS has accepted will not be refunded.

Even if the beneficiary or her attorney had standing to appeal the decision, the AAO would still reject the appeal as untimely. The regulation at 8 C.F.R. § 205.2(d) indicates that revocations of approvals must be appealed within 15 days after the service of the notice of revocation. The notice of revocation, issued October 4, 2005, advised the petitioner of the 15-day deadline. The appeal was filed on or about November 20, 2006, well over a year after the decision was rendered. Thus, the appeal was not timely filed. The circumstances surrounding the untimely filing do not bear discussion here, as the beneficiary had no standing to file any appeal, timely or otherwise.

The appeal has not been filed by the petitioner, nor by any entity with legal standing in the proceeding, but rather by the beneficiary through her attorney. Therefore, the appeal has not been properly filed, and must be rejected.

ORDER: The appeal is rejected.

¹ Source: <http://www.floridabar.org/names.nsf/0/6D0B59DBE59B408685256A840029E36A?OpenDocument> (visited December 5, 2008; copy incorporated into record of proceeding).