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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 07 064 52871 Office: CALIFORNIA SERVICE CENTER Date: DEC 16 2008

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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.

*J. F. Grissom*  
John F. Grissom, Acting 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 (AAO) on appeal. The appeal will be rejected.

The petitioner is identified as 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). The director denied the petition on August 23, 2007, because the petitioner had not submitted any evidence to support the petition. The petitioner, therefore, failed to provide evidence that the petitioner is, in fact, a *bona fide* tax-exempt church affiliated with a religious denomination; that a legitimate job offer exists; that the petitioner intends to employ the beneficiary in a qualifying religious vocation or occupation; that the beneficiary is qualified for the (unspecified) position offered; or that the beneficiary possesses the required experience in the vocation or occupation. The record contains no information at all about the beneficiary's intended position, and the only information about the petitioner is the petitioner's name and the name of [REDACTED] (no job title specified). The petitioner did not even provide a physical address for itself; the only address used is that of the alleged attorney who filed the appeal.

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 U.S. 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.

[REDACTED] of American Corporate Society, LLC (ACS), prepared the Form I-360 petition, and the petition form shows ACS' address instead of the petitioner's address. Various ACS employees have claimed to be attorneys. The record, however, contains no Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing ACS or any of its employees to act as the petitioner's attorney. A Form G-28 identifies an alleged ACS attorney as the beneficiary's attorney, but because the beneficiary is not an affected party, an attorney who represents only the beneficiary cannot file an appeal.

Another ACS employee, [REDACTED] using the honorific "Esq.," signed the Form I-290B Notice of Appeal. The record contains no Form G-28 to designate [REDACTED] as the petitioner's attorney of record. Despite [REDACTED]'s use of the honorific "Esq.," the record contains no evidence that [REDACTED] is an attorney who has been admitted to the bar of any state or other jurisdiction in the United States.

The appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding, but rather by a company claiming to represent the beneficiary. Therefore, the appeal has not been properly filed, and must be rejected.

The AAO notes that, even if the appeal had been properly filed, it would not constitute a substantive appeal. At no time in this proceeding has the petitioner provided any information, let alone any actual evidence, regarding the alleged church or its purported offer to employ the beneficiary. The skeletal initial filing consisted solely of the Form I-360 itself, and every subsequent submission has concerned itself entirely with procedural issues relating to other filings by the beneficiary (a Form I-485 adjustment application and a Form I-131 application for employment authorization). Therefore, if the appeal had been properly filed, the AAO would have summarily dismissed the appeal pursuant to 8 C.F.R. § 103.3(a)(1)(v), which states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.” The record of proceeding contains no sign that the petitioner has made any effort whatsoever to establish that the beneficiary qualifies for the benefit sought.

**ORDER:** The appeal is rejected.