

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: **DEC 18 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)

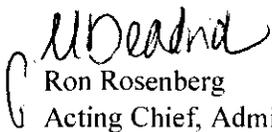
ON BEHALF OF PETITIONER:

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,

  
Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the employment-based immigrant visa petition. The Administrative Appeals Office (AAO) rejected a subsequent appeal for lack of standing and returned the petition for reissuance of the decision by the director. The matter is again before the AAO on appeal. The AAO will reject the appeal as improperly filed.

The alien 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 director of religious education at [REDACTED] California. The director determined that the petitioner failed to submit the required employer attestation and failed to establish how the employer intends to compensate the alien.

On March 1, 2010, an appeal was filed by an official from [REDACTED]. In its March 23, 2012 rejection of the appeal, the AAO noted that [REDACTED] is in fact the petitioner in this matter because she signed the Form I-360 petition. The AAO stated:

Part 1 of the Form I-360 petition identifies the church as the petitioner. Review of the petition form, however, indicates that the alien is the petitioner. An applicant or petitioner must sign his or her own application or petition. 8 C.F.R. § 103.2(a)(2). In this instance, Part 10 of the Form I-360, "Signature," shows the signature not of any official from the church, but of the alien herself. 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 U.S. Citizenship and Immigration Services (USCIS)) means the person or entity with legal standing in a proceeding. The USCIS regulation at 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, USCIS will not refund any filing fee it has accepted.

The AAO found that, as [REDACTED] did not file the petition, it was not an affected party and it had no standing to file an appeal. The AAO remanded the matter to the director for reissuance of the decision to the true petitioner, [REDACTED] in order to provide her an opportunity to file a timely appeal. The record indicates that the director served a newly dated decision, properly addressed to the true petitioner, on April 12, 2012.

On May 14, 2012, an appeal was filed by another official of [REDACTED]. As discussed above, by signing the Form I-360 petition, [REDACTED] assumed the role of petitioner. 8 C.F.R. § 103.2(a)(2). Accordingly, [REDACTED] is not an affected party under 8 C.F.R. § 103.3(a)(1)(iii)(B), and neither he nor any other official from [REDACTED] have legal standing to file an appeal in this matter.

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As the appeal was improperly filed, it must be rejected.

**ORDER:** The appeal is rejected.