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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**

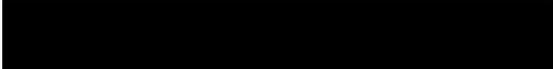


C1

Date: **JUL 25 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:



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,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition. The petitioner filed a subsequent appeal. The Administrative Appeals Office (AAO) determined that the appeal was improperly filed. The AAO rejected the appeal without rendering a decision. The matter is now before the AAO on a motion to reopen and a motion to reconsider. The motions will be rejected.

The petitioner 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 youth pastor for Nueva Vida Church of God (New Life Church of God).

The director denied the petition on May 7, 2010. On June 9, 2010, an appeal was filed seeking review of the director's decision. After reviewing the record, the AAO determined that the appeal had been improperly filed. The AAO noted that, although Part 1 of the Form I-360 petition identified [REDACTED] as the petitioner, Part 10 of the Form I-360, "Signature," contained the signature of the alien himself, thus indicating 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). The AAO further noted that the Form I-290B, Notice of Appeal, was filed by an [REDACTED] on behalf of [REDACTED]

The regulation at 8 C.F.R. § 103.3(a)(2)(v) requires that "[a]n appeal filed by a person or entity not entitled to file it must be rejected as improperly filed."

The petitioner has now filed motions seeking to reopen and reconsider the appeal that was rejected as improperly filed.

As the appeal was rejected by the AAO, there is no decision on the part of the AAO that may be reopened or reconsidered in this proceeding. According to 8 C.F.R. § 103.5(a)(1)(ii), jurisdiction over a motion resides in the official who made the latest decision in the proceeding. The AAO did not enter a decision on this matter. Because the disputed decision was rendered by the director, the AAO has no jurisdiction over this motion and the motion must be rejected.¹

ORDER: The motions are rejected.

¹ Even if not rejected, the motions would be dismissed as the petitioner failed to present any arguments or evidence that the AAO's rejection of the appeal for lack of standing was improper or erroneous. The motions do not meet the requirements at 8 C.F.R. 103.5(a).