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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: **JUN 18 2012** Office: CALIFORNIA SERVICE CENTER

IN RE:

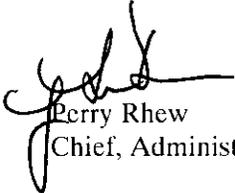
PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

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 immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The petitioner is a church. It seeks to employ the beneficiary permanently in the United States as a pastor pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3). The director determined that that the petitioner had failed to establish that the beneficiary had worked in one of the positions described in 8 C.F.R. § 204.5(m)(2) continuously for the two-year period preceding the petition's filing date, that the beneficiary did not maintain lawful immigration status in the United States throughout the two-year qualifying period, and that the petitioner had failed to establish that the beneficiary was coming to the United States to work in a full-time compensated position.

Gary J. Kim, counsel for the beneficiary, signed the Form I-290B, Notice of Appeal or Motion. United States Citizenship and Immigration Services' (USCIS) regulations specifically prohibit any entity other than the affected party or its representative from filing an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). No evidence suggests that the affected party, the petitioner in this instance, consented to the filing of the appeal.

As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.