

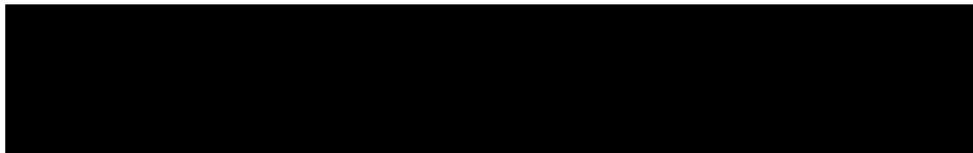
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**



C1

DATE: **JUN 21 2012** Office: CALIFORNIA SERVICE CENTER



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,

Perry Rhew
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 AAO will reject the appeal.

The petitioner is 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), to perform services as a bible worker. The director determined that the petitioner had not established that the beneficiary had the requisite two years of continuous, lawful, qualifying work experience.

The regulation at 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)(1) 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 regulation at 8 C.F.R. § 1.2 provides:

Attorney means any person who is eligible to practice law in, and is a member in good standing of the bar of, the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him or her in the practice of law.

Here, the party that filed the appeal was [REDACTED] who claims to represent the petitioner. Along with the Form I-290B Notice of Appeal, [REDACTED] submitted a Form G-28, Notice of Entry of Appearance of Attorney or Representative, signed by him and [REDACTED] of the petitioning organization. The G-28 indicated that [REDACTED] is an attorney in good standing in Ohio. However, according to the Supreme Court of Ohio & The Ohio Judicial System website, [REDACTED] current registration is “Inactive” and his attorney title is “Retired.”¹

On February 23, 2012, the AAO sent a letter to [REDACTED] at the address he provided on the Forms I-290B and G-28. In the letter, the AAO instructed him to submit evidence that he is qualified, or was qualified on April 22, 2010, to represent others in USCIS proceedings pursuant to 8 C.F.R §§ 292.4(a) and 103.2(a). The letter provided that the documentation should be submitted within 15 days of the date stamped on the letter. A copy of this letter was also sent to the petitioner. To date, no further information has been received and the record is considered complete as it now stands.

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The party that filed the appeal is not an affected party with legal standing in the proceeding. Therefore, the AAO must reject the appeal as improperly filed.

ORDER: The appeal is rejected.