

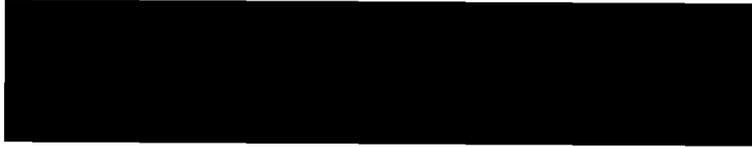
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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DATE: **MAR 06 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,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, (“the director”) denied the employment-based immigrant visa petition. The petitioner timely filed an appeal to the denied 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 an assistant coordinator of bible studies and small groups. On November 2, 2009, the petitioner filed a Form I-360 petition. On June 1, 2010, the director denied the petition because he found that the evidence was insufficient to establish that the beneficiary has been performing full-time work as a religious worker for at least the two year period immediately preceding the filing of the petition in a lawful immigration status.

The Form I-290B form was signed by [REDACTED] of [REDACTED] [REDACTED] had previously submitted a Form G-28 signed by both the petitioner on July 16, 2009, and a second Form G-28 signed by the beneficiary on November 12, 2008, entering her appearance in the matter before the director. On appeal, [REDACTED] entered her appearance before the AAO by resubmitting the same two Forms G-28 that she had submitted before the director.

On February 23, 2012, the AAO faxed a letter to the attorney requesting a new Form G-28. In this letter, the AAO wrote:

Effective March 4, 2010, the regulation at 8 C.F.R. § 292.4(a) requires that a new Form G-28 “must be filed with an appeal filed with the [AAO].” 8 C.F.R. § 292.4(a) further requires that the Form G-28 “must be properly completed and signed by the petitioner, applicant or respondent to authorize representation in order for the appearance to be recognized by DHS.” The record, however, does not contain a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, signed by both you and by an authorized official of the petitioning entity. Therefore, we cannot consider you to be the petitioner’s attorney of record.

In order to complete the adjudication of the appeal on its merits, this office is requesting that a copy of the Form G-28 be sent to the Administrative Appeals Office by mail or fax within **five** business days.

Failure to respond to this notice within **five** business days may result in the summary dismissal of your appeal.

On February 29, 2012, the AAO received a response from [REDACTED]. The response contained the same two Forms G-28 that [REDACTED] had sent to the director and to the AAO. The response also contained a new Form G-28, but the petitioner listed on the new Form G-28 is [REDACTED].

located at [REDACTED]. The AAO notes that the [REDACTED] is unrelated to the petitioner in this case.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

*(B) Meaning of affected party.* For purposes of this section and §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

*Improperly filed appeal – (A) Appeal filed by person or entity not entitled to file it – (1) Rejection without refund of filing fee.* 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 the Service has accepted will not be refunded.

The response by the attorney does not establish that she still represents the petitioner. The regulation at 8 C.F.R. § 292.4(a) requires that a new form G-28 be signed by the attorney and that it be signed by the petitioner to authorize representation in order for the attorney's appearance to be recognized by the AAO. In this instance, the AAO placed [REDACTED] on notice of this regulation, and afforded her five (5) business days to send a new Form G-28. [REDACTED] sent the same Forms G-28 that she had submitted previously, and then sent a new Form G-28 signed by an unrelated organization. As stated above, [REDACTED] signed the Form I-290B, however there is no indication that she represents the petitioner on appeal. As a result, the AAO cannot find that the affected party signed the Form I-290B, and the appeal must be rejected.

**ORDER:** The appeal is rejected.