



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE:

Office: CALIFORNIA SERVICE CENTER

**MAR 31 2014**

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 (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

Ron Rosenberg  
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 or, in the alternative, summarily dismiss 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). The director determined that the petitioner failed to establish that the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, was submitted and attested by an authorized official of the religious organization.

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 and it does not include the beneficiary of a visa petition. 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.

Here, the Form I-290B, Notice of Appeal or Motion, was signed by [REDACTED]. Accompanying the Form I-290B was a Form G-28, Notice of Entry of Appearance as Attorney or Representative, purportedly authorizing [REDACTED] to represent the beneficiary, [REDACTED] on appeal. [REDACTED] did not file the petition, he is not an affected party, and therefore his attorney would have no standing to file an appeal on the petitioner’s behalf. Regardless, the Form G-28 does not establish that [REDACTED] is an attorney, but instead identifies her as a legal assistant affiliated with [REDACTED], purportedly licensed attorneys in the state of New Jersey. A search of the “NJ Attorney Index” on the New Jersey Courts website, <https://njcourts.judiciary.state.nj.us>, indicates that neither [REDACTED] is a currently licensed attorney in that state.

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

Even if properly filed, the AAO would summarily dismiss the appeal. Part 3 of the Form I-290B, “Basis for the Appeal or Motion,” states:

1. ACS’s address is listed because we represent both the petitioner & the beneficiary.
2. See applicant’s G-28.
3. Judicial errors and omissions
4. Petitioner’s evidence has been erroneously overlooked.
5. Petitioner is fully qualified under current status.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.” The appeal includes only general references to the director’s error without any substantive argument pointing to specific facts or analyses in contention. Further, while the Form I-290B indicated that a brief and/or additional evidence would be forthcoming within thirty days, to date, careful review of the record reveals no subsequent submission. Therefore, the appeal form itself appears to constitute the entire appeal.

The petitioner has not specifically addressed the reasons stated for denial and has not provided any additional evidence pertaining to the classification sought. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is rejected or in the alternative summarily dismissed.