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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

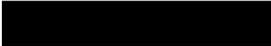


U.S. Citizenship
and Immigration
Services

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DATE: NOV 03 2011 OFFICE: CALIFORNIA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Nonimmigrant Petition for Religious Worker Pursuant to Section 101(a)(15)(R)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(R)(i)

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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based nonimmigrant visa petition. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reopen. The AAO will dismiss the motion.

The alien beneficiary seeks classification as a nonimmigrant religious worker under section 101(a)(15)(R)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(R)(i), to perform services as the senior pastor of Los Angeles Blood Bought Church, Los Angeles, California. The director determined that the beneficiary had filed the petition on his own behalf, which the regulations do not permit. The U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 214.2(r)(7) requires the intending employer to file the petition on the alien's behalf.

In its dismissal notice of December 17, 2010, the AAO affirmed the director's finding that the beneficiary had filed a petition on his own behalf by signing part 6, "Signature," of the Form I-129 petition. The petitioner must sign the petition. 8 C.F.R. § 103.2(a)(2). Therefore, only the party that signed the petition form can properly be considered to be the petitioner.

board member of Los Angeles Blood Bought Church, signed the Form I-290B seeking to reopen the proceeding.

The USCIS regulation at 8 C.F.R. § 103.3(a)(2)(i) allows only the affected party to file an appeal. The USCIS regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) defines the affected party as the party with standing in the proceeding (*i.e.*, the petitioner). Just as the alien beneficiary had no authority to file the Form I-129 petition on his own behalf, the church has no authority to file the motion on behalf of the self-petitioning alien beneficiary. The church's filing of the present motion does not remedy the alien's deficient filing of the petition.

A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4). Because the church is not an affected party in this proceeding, it has no standing to file a motion to reopen the proceeding. The AAO must, therefore, dismiss the motion based on its improper filing.

ORDER: The motion is dismissed.