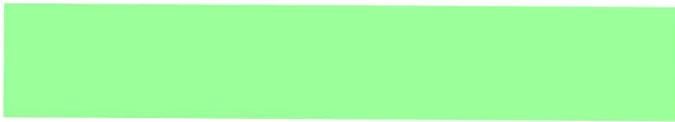


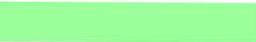
(b)(6)

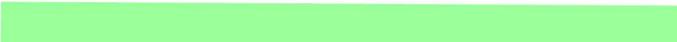
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



DATE: **SEP 05 2013** OFFICE: CALIFORNIA SERVICE CENTER FILE 

IN RE: Petitioner: 
Beneficiary: 

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

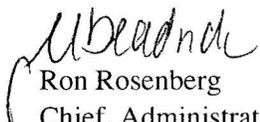
ON BEHALF OF PETITIONER:

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 nonimmigrant visa petition. The matter is now before the AAO on appeal. The AAO will reject the appeal.

The U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 103.3(a)(2)(i) states that only the affected party may file an appeal. The regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) states that the term “affected party” means the person or entity with legal standing in a proceeding (*i.e.*, the petitioner). It does not include the beneficiary of a visa petition. An affected party may be represented by an attorney or representative. Taken together, these provisions indicate that only the petitioner, the petitioner’s attorney, or an accredited representative may file an appeal on the petitioner’s behalf.

The petitioner (a Pentecostal church in [REDACTED] Tennessee) did not file the appeal. Instead, [REDACTED] a notary public in [REDACTED] Georgia, signed and filed the Form I-290B, Notice of Appeal or Motion. In keeping with the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2) and its subclauses, on June 4, 2013, the AAO contacted Ms. [REDACTED] and requested Form G-28, Notice of Entry of Appearance of Attorney or Representative. Ms. [REDACTED] responded by submitting a completed Form G-28. On the form, Ms. [REDACTED] did not claim to be an attorney. Instead, under the heading “I am an accredited representative of the following . . . organization . . . so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 1292.2,” she named the petitioning church. No official of the petitioning church signed the Form G-28. Instead, the beneficiary signed it, thereby indicating that Ms. [REDACTED] represented the beneficiary, not the petitioner, in the present proceeding.

Under the above-cited regulation, an accredited representative is not simply a person who acts on behalf of the petitioner in an immigration proceeding. Rather, the Board of Immigration Appeals maintains a roster of recognized organizations and the accredited representatives authorized to represent clients before USCIS. That roster does not identify the petitioner as a recognized organization, or Ms. [REDACTED] as an accredited representative. The roster is available online at <http://www.justice.gov/eoir/ra/raroster.htm> (relevant excerpts added to record July 3, 2013).

Under the USCIS regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1), 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 USCIS has accepted will not be refunded. Therefore, the AAO contacted Ms. [REDACTED] on July 9, 2013, and advised her that the AAO would reject the appeal unless she provided a new Form G-28, fully executed by an authorized official of the petitioning church, along with evidence that Ms. [REDACTED] is authorized to represent the petitioner either as an attorney or as an accredited representative of a recognized organization. The AAO allowed Ms. [REDACTED] 15 days to respond. The record contains no response from Ms. [REDACTED].

The record contains no evidence that [REDACTED] is an attorney, an accredited representative, or an authorized official of the petitioning church. Therefore, she has not established standing to file the appeal on the petitioner’s behalf, and the AAO must reject the appeal as improperly filed.

ORDER: The appeal is rejected.