



U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

CI



File: WAC-94-111-53991 Office: California Service Center

Date: DEC 4 2000

IN RE: Petitioner:  
Beneficiary:



Petition: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(4)

IN BEHALF OF PETITIONER: Self-represented

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

M. C. Mulrean, Acting Director  
Administrative Appeals Office

Identifying data inserted to  
prevent clearly unwarranted  
disclosure of personal privacy

**DISCUSSION:** The immigrant visa petition was approved by the Director, California Service Center. Upon further review of the record, the director determined that the beneficiary was not eligible for the benefit sought and revoked the approval of the petition. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

The petitioner is a religious organization. A Form G-28, Notice of Entry of Appearance as Attorney or Representative, was submitted by counsel; however, it was submitted in behalf of the beneficiary.

The petitioner seeks classification of 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 serve as a music director. The director revoked the approval of the petition determining that the petitioner had failed to establish the beneficiary's two years of continuous religious work experience or that it had made a valid job offer to the beneficiary.

On appeal, counsel for the beneficiary argues that he is eligible for the benefit sought.

The beneficiary does not have standing in a visa petition proceeding. 8 C.F.R. 103.3(a)(1)(iii)(B). An appeal may be filed only by the petitioner. Matter of Sano, 19 I&N Dec. 299 (BIA 1985).

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 appeal has not been filed by the petitioner, nor by any entity with legal standing in the proceeding, but rather, by counsel for the beneficiary. Therefore, the appeal has not been properly filed, and must be rejected.

**ORDER:** The appeal is rejected.