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U.S. Department of Justice

Immigration and Naturalization Service

identification data deleted to prevent clearly unwarranted invasion of personal privacy

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

[redacted]

File: [redacted] Office: Vermont Service Center Date: MAY 06 2002

IN RE: Petitioner:
Beneficiary: [redacted]

Petition: 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)

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.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was initially approved by the Director, Vermont Service Center, who subsequently revoked that approval. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

The petitioner filed the Form I-360 visa petition on April 8, 1997. It was approved on October 28, 1997. After further consideration, the center director concluded that the petition had been approved in error. On August 10, 2000, the center director properly served the petitioner with a notice of intent to revoke the approval. The center director concluded that the petitioner's response did not overcome the grounds for revocation and revoked approval in a decision dated June 28, 2001.

Counsel for the beneficiary now files a Form I-290B Notice of Appeal from that decision.

According to 8 C.F.R. 205.2(d), a petitioner may appeal the decision to revoke approval within 15 days after service of the notice of revocation. The revocation in this case was issued on June 28, 2001, and the appeal was filed on August 2, 2001. The appeal was untimely filed and will be rejected.

In addition, counsel for the beneficiary does not have standing in this visa petition proceeding. 8 C.F.R. 103.3(a)(1)(iii)(B). Therefore, the appeal has not been properly filed and must be rejected on this basis as well. 8 C.F.R. 103.3(a)(2)(v)(A)(i).

ORDER: The appeal is rejected.