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U.S. Department of Homeland Security
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Washington, DC 20536



**U.S. Citizenship
and Immigration
Services**

[Redacted]

File: [Redacted] Office: VERMONT SERVICE CENTER

Date: JUL 12 2004

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

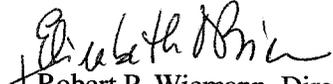
Petition: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

IN BEHALF OF PETITIONER:

[Redacted]

INSTRUCTIONS:

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


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

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, 8 U.S.C. § 1153(b)(4), to perform services as a cantor. The director denied the petition on April 14, 2003.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[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.”

On the Form I-290B Notice of Appeal, filed on May 15, 2003 counsel, states:

The Center Director erred in determining that the beneficiary will not be employed in a religious occupation. The beneficiary is to be employed as a religious instructor, a position which has been specifically determined to be a religious occupation under Title 8, Code of Federal Regulations, part 204.5(m)(2).

Counsel’s statement makes only a general assertion of the director’s error. The statement does not specifically identify any erroneous conclusion of law or statement of fact.

Moreover, while counsel indicated that a brief and/or evidence would be forthcoming within thirty days, to date, over one year later, review of the record reveals no subsequent submission. All other documentation in the record predates the issuance of the notice of decision.

As the petitioner does not claim that any of the director’s findings are incorrect or based on an erroneous conclusion of fact or law, the petitioner has failed to overcome the specific findings of the director. Thus, we cannot find that the petitioner’s submission qualifies as a substantive appeal.

Accordingly, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.