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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

C

[Redacted]

FILE: [Redacted]

Office: TEXAS SERVICE CENTER

Date:

SEP 07 2014

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)

ON 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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, initially approved the employment-based immigrant visa petition. Subsequently, the director determined that the beneficiary was not eligible for the benefit sought. Accordingly, the director properly served the petitioner with notice of intent to revoke the approval of the immigrant visa petition, and the reasons therefore, and subsequently revoked the approval of the petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification 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 perform services as a minister of Christian literature, discipleship, home and foreign missions at Iglesia Bautista Northside, Hialeah, Florida. The director determined that the petitioner had not established sufficient evidence to establish (1) that he had the requisite two years of continuous work experience in the position sought immediately preceding the filing date of the petition; (2) the intending employer's status as a qualifying tax-exempt religious organization; or (3) the intending employer's ability to pay the petitioner's proffered wage. The notice of intent to revoke also raised questions regarding the qualifying nature of the position offered.

The director issued the notice of intent to revoke on November 10, 2003, and granted the petitioner 30 days to respond. The petitioner did not respond during that period. On December 23, 2003, the petitioner requested additional time to respond to the notice, saying that he had been traveling on business when the notice was issued. The director did not grant any extension, nor was the director obligated to grant such an extension. Instead, the director revoked the approval of the petition on January 13, 2004, and noted that the petitioner had failed to respond to the notice of intent to revoke.

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, counsel indicates that he is "not submitting a separate brief or evidence." Thus, the statements on the appeal form itself constitute the entirety of the appeal. Those statements say nothing to address or overcome the stated grounds for the revocation.

Counsel observes that the petition was approved in July 1996, nearly seven and a half years before the revocation. Counsel states "[i]t is clearly erroneous for the Service to issue a notice of revocation 7 ½ years after its initial policy decision." This assertion is baseless. Section 205 of the Act, 8 U.S.C. § 1155, states: "The Attorney General may, *at any time*, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204" (emphasis added). While the passage of over seven years is certainly unusual, the law plainly permits for revocation "at any time" if good and sufficient cause exists.

Counsel asserts that changing policies and interpretations do not justify the revocation of a petition that was properly approved at the time. Counsel does not elaborate, in order to explain why the petition was properly approved in 1996. Counsel simply posits, without proof, that the approval was proper, and was not issued in error.

Counsel states "[i]t is clear that the Service has targeted this type of benefit in order to limit or eliminate the benefits provided under the above referenced Act." Counsel offers no evidence to support this claim. The revocation of a single petition does not prove a systematic conspiracy to deny benefits to an entire class of eligible aliens.

The closest that counsel comes to addressing the actual grounds for revocation is the assertion that "documentation was clearly provided to support the fact that the institution was a non-profit religious institution." This is not an argument, but rather a conclusion with no premises to support that conclusion. Counsel does not specifically mention any of the other grounds for revocation at all. Counsel simply contends that revocation based on so many different grounds is inherently questionable.

The assertion that too much time has passed to permit revocation contradicts the statute, and is not sufficient basis for a substantive appeal. Despite the fact that counsel and the petitioner were clearly aware of the grounds for revocation, the record contains no indication that the petitioner or counsel have ever offered any substantive response to any of those stated grounds, any one of which would be sufficient to warrant revocation.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.