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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: VERMONT SERVICE CENTER Date: **NOV 14 2006**
EAC 05 071 53545

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, Chief
Administrative Appeals Office

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

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 February 6, 2006, counsel indicated that a brief would be forthcoming within thirty days. To date, nine months later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision. Counsel has confirmed that he sent no brief during the requested period.

On the appeal form itself, counsel states: “Petitioner believes that it can meet the burden of proof to” establish eligibility and overcome the director’s stated grounds for denial. Counsel adds: “such evidence was delivered to the prior attorneys for submission, but Petitioner does not believe it was ever submitted.” The petitioner has not submitted this evidence, and counsel does not claim even to have seen it; the appeal consists solely of counsel’s assertion that the petitioner claims that such evidence exists. The claim that unspecified, unidentified evidence exists to overcome the denial is not sufficient basis for a substantive appeal.

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.