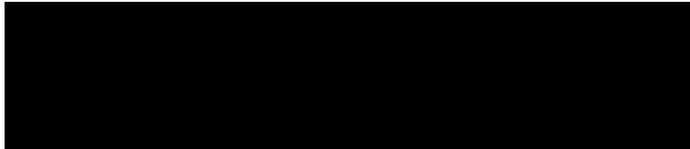


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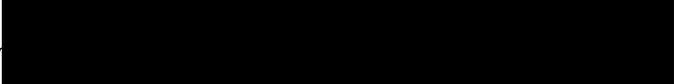
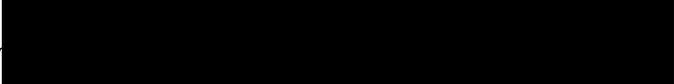
U.S. Department of Homeland Security
Citizenship and Immigration Services

ca

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 Eye Street NW
Washington, DC 20536



FILE:  Office: CALIFORNIA SERVICE CENTER Date: **NOV 13 2003**

IN RE: Petitioner: 
Beneficiary: 

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)

ON BEHALF OF PETITIONER:


INSTRUCTIONS:

This is the decision 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.

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 that 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 Citizenship and Immigration Services (CIS) 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 that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Cindyn. Gomez
Robert P. Wiemann, Director
Administrative Appeals Office *for*

DISCUSSION: The approval of the immigrant visa petition was revoked by the Director of the California Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a church. It 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) in order to employ her as a pastoral assistant.

The director revoked approval of the petition finding that the petitioner had not established that the beneficiary had been engaged continuously in a qualifying religious vocation or occupation for the two years immediately preceding the filing date of the petition.

On appeal, counsel indicated on the Form I-290B Notice of Appeal dated July 18, 2002 that a brief and/or additional evidence would be submitted within 30 days of the filing date of the appeal. To date, no brief or further documentation has been received.

Pursuant to 8 C.F.R. § 103.3(a)(1)(v):

An 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.

In this case, counsel states that the director erred as a matter of fact and of law in that the beneficiary has demonstrated her religious vocation for over seven years and has devoted herself solely to the religious occupation during this period. Counsel did not, however, identify specifically any erroneous conclusion of law or statement of fact with regard to the ground for revocation of approval of the petition. As counsel has provided no additional evidence on appeal to overcome the basis for revocation, the appeal will be summarily dismissed.

It is noted that the following, additional grounds of ineligibility were not addressed in the director's decision:

1. The petitioner has not established that it has the ability to pay the beneficiary the offered salary.

2. The petitioner has not demonstrated that the offered position constitutes a qualifying religious occupation for the purpose of special immigrant classification.
3. The petitioner has not established that the beneficiary is qualified for the position within the religious organization.
4. The petitioner has not established that it has extended a valid job offer to the beneficiary.

As the appeal will be summarily dismissed, however, these issues will not be addressed in this decision.

In visa petition proceedings, the burden of proof remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met. In accordance with 8 C.F.R. § 103.3(a)(1)(v), the appeal will be summarily dismissed.

ORDER: The appeal is dismissed.