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U.S. Citizenship
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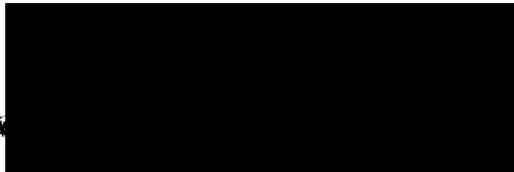
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **APR 05 2005**
WAC 01 151 52959

IN RE: Petitioner: [REDACTED]
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)

ON BEHALF OF PETITIONER:



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, California Service Center. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reopen. The motion will be dismissed.

A motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

In its previous decision, the AAO held that the petitioner's assertions as to the beneficiary's prior work experience were contradictory, and that the petitioner had not resolved the inconsistencies with competent evidence. On motion, counsel submits copies of previously submitted evidence.

As the AAO noted in its previous decision, the evidence submitted by the petitioner indicated that the beneficiary worked in Canada and the United States during the qualifying two-year period. However, in response to the director's request for evidence, the petitioner submitted evidence that the beneficiary had also worked in India and England during the same time frame. The petitioner submitted no documentary evidence to corroborate any of the beneficiary's prior employment. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

On appeal, the petitioner submitted a time line of the beneficiary's employment and submitted statements from various gurdwaras and other organizations indicating that the beneficiary worked for the various organizations during the relevant two-year period and indicating the hours he worked and the compensation he received. However, these statements are not accompanied by corroborative documentary evidence of the beneficiary's employment with these organizations. *Id.* The AAO dismissed the appeal, finding that the petitioner failed to establish that the beneficiary was continuously carrying on the religious occupation from at least March 1999 to March 2001.

The petitioner submits no new evidence on motion.

As the petitioner failed to present new facts supported by documentary evidence in its motion to reopen, the petitioner's motion will be dismissed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. 8 C.F.R. § 103.5(a)(4) states that "[a] motion that does not meet applicable requirements shall be dismissed." Accordingly, the motion will be dismissed, the proceedings will not be reopened, and the previous decisions of the director and the AAO will not be disturbed.

ORDER: The motion is dismissed.