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U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted]  
EAC 01 178 51321

Office: VERMONT SERVICE CENTER

Date: APR 28 2005

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:  
[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.

*Mai Johnson*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Vermont 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).

The self-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 pastor. The director determined that the petitioner had not established that he had continuously worked as a pastor for two full years immediately preceding the filing of the visa petition.

In a request for evidence (RFE), the director informed the petitioner:

You have not submitted historical documentation such as time sheets, work logs, pay receipts, etc. verifying your claim. The record does not exhibit a history of compensation on a regular basis for the period in question. Undocumented participation in church activities does not meet the work experience requirements for the purpose of an employment-based petition. Your statements alone are not sufficient to establish your claim that the beneficiary had two years of continuous work experience at the time of your filing. In the absence of a more comprehensive description of the activities of the beneficiary during the two-year period preceding the filing date of the petition, it could not be concluded that the beneficiary had the requisite two years of continuous work experience. The record does not include conclusive documentation that the beneficiary has fulfilled the work requirements of 8 C.F.R. 204.5(m)(1).

The petition was filed on April 24, 2001. Therefore, the petitioner was required to submit evidence of his work experience for the two-year period immediately preceding that date. In response to the RFE, the petitioner submitted an April 4, 2001 statement from the president general of the missions department of the Civil Association Life Orientation Center, "House of Prayer" Church, stating that the petitioner "fulfilled the office of Vice president of said Department" from "1998 until the present date." The statement did not indicate the nature of the petitioner's work nor did it indicate the terms of his employment. The petitioner also submitted a calendar purportedly reflecting his work schedule from April 2001 to December 2002, but submitted no documentary evidence of his work experience prior to April 2001.

In his decision, the director noted that the petitioner submitted no corroborative documentary evidence of his prior work experience. On appeal, the petitioner again failed to submit corroborative documentary evidence of his work for the two years immediately preceding the filing of the visa petition. 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 motion, the petitioner submits copies of summaries of his workweek for the years 1999 and 2000, signed by the pastor general of the Civil Association "Center for Life Orientation. The petitioner also submits copies of pay receipts from January 1999 to March 30, 2001.

The petitioner was put on notice of required evidence and given a reasonable opportunity to provide it for the record before the visa petition was adjudicated. The petitioner failed to submit the requested evidence and now submits it on motion. However, the AAO will not consider this evidence for any purpose. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988).

Further, the petitioner has not addressed the additional grounds for dismissal cited by the AAO in its previous decision dismissing the appeal. As a consequence, 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.