



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: MAY 19 2006  
SRC 04 022 51065

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.

*Mari Johnson*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the employment-based immigrant visa petition and certified the decision to the Administrative Appeals Office (AAO) for review. The AAO affirmed the director's decision. The petitioner has appealed the director's decision. The appeal will be rejected.

The director had denied the petition on January 25, 2006, and certified the decision to the AAO pursuant to 8 C.F.R. § 103.4(a)(5). The director informed the petitioner of the right to "submit within thirty (30) days after receipt of this notice a brief or other written statement." On March 14, 2006, counsel indicated that he had not filed any brief or evidence in response to this notice of certification. Based on this information, the AAO considered the record of proceeding to be complete and rendered its decision on April 7, 2006.

Subsequently, the AAO has learned that the petitioner, through counsel, filed an appeal on February 13, 2006. The director's certified denial notice indicated that the petitioner had the right to appeal the decision. This advisory, however, was incorrect. There is no need or regulatory provision to appeal a certified denial because the certification fulfills the same purpose as an appeal – *i.e.*, it arranges for review by the AAO. Because the regulations already provide for appellate-level review of the director's certified decision, and do not provide for the appeal of a certified denial above and beyond that appellate review, the AAO must reject the petitioner's appeal. The petitioner's February 13, 2006 appeal contained no substantive arguments or evidence, and therefore the appeal would have been summarily dismissed had it not been rejected.

**ORDER:** The appeal is rejected.