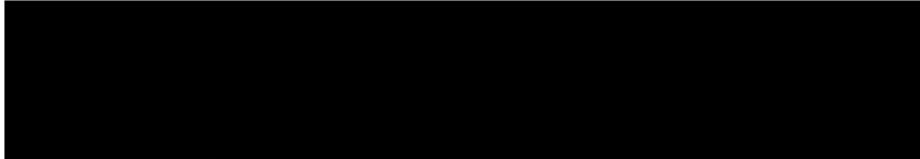




U.S. Citizenship  
and Immigration  
Services

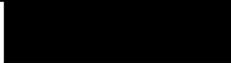
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prevent clearly unwarranted  
invasion of personal privacy



CI

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: FEB 13 2007

IN RE:

Petitioner:

Beneficiary:



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:

SELF-REPRESENTED

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, California Service Center, denied the employment-based immigrant visa petition. The Administrative Appeals Office (AAO) withdrew the director's decision and remanded the matter to the director for a new decision. The director denied the petition a second time, and the AAO again remanded the matter for a new decision. The director has now denied the petition a third time, for abandonment, and certified the decision to the AAO pursuant to instructions contained in the remand order. The AAO will affirm the director's decision.

On June 9, 2006, the director issued a request for evidence. Pursuant to 8 C.F.R. § 103.2(b)(8), the director allowed the petitioner twelve weeks to respond to the request. The record contains no response to the notice.

8 C.F.R. § 103.2(b)(13) states that, if a petitioner fails to respond to a request for evidence, then the petition shall be deemed abandoned and denied accordingly. A denial due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15).

On November 7, 2006, the director deemed the petition to be abandoned, and denied the petition for that reason. The director noted, pursuant to the above regulations, that "[s]ubmission at this time of the information and/or evidence previously requested will not serve to overcome this decision." Because the AAO had instructed the director to certify the decision to the AAO, the director did so, allowing the petitioner thirty days to submit a brief or written statement, pursuant to 8 C.F.R. § 103.4(a)(2).

To date, more than two months later, the record contains no further submission from the petitioner. In the absence of any evidence to the contrary, we find that the director acted properly in finding that the petitioner abandoned the petition by failing to respond to the request for evidence. We therefore affirm the director's decision to deny the petition due to abandonment.

**ORDER:** The director's decision of November 7, 2006 is affirmed.