U.S. Department of Homeland Security
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Washington, DC 20529

U.S. Citizenship and Immigration Services

C1

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date:
EAC 02 120 53947

AUG 26 2004

IN RE: Petitioner: [redacted]
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:

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.

Elizabeth O'Brien
Robert P. Wiemann, Director
Administrative Appeals Office

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DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center on March 19, 2003. The petitioner filed a late appeal, which the director treated as a motion to reopen and reconsider. The director affirmed his prior decision denying the petition. The petitioner again appealed the decision and the matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is seeking 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 nun.

The director denied the motion, finding that the petitioner failed to overcome the grounds for denial of the petition, e.g., that the position sought for the beneficiary was not a bona fide religious profession, vocation or occupation. We note that in the March 19, 2003 decision, the director also found that the petitioner failed to establish that it possesses the ability to pay the proffered wage. The director found that the petitioner failed to establish that the beneficiary had the qualifying two years of employment in the occupation.

On appeal, the petitioner asserts that its Form I-360 petition "is not to change the beneficiary's status from R-1. It is for the process of Adjustment of Status to Permanent Residence on behalf of [the beneficiary]."

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

> 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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.