U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

C1

[redacted]

FILE: [redacted] Office: TEXAS SERVICE CENTER Date: NOV 1 0 2004

IN RE: Petitioner: [redacted]
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:

[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, Director
Administrative Appeals Office

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a church. It seeks to classify 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), to perform services as a missionary pastor. The director determined that the petitioner had not established (1) that the beneficiary had the requisite two years of continuous work experience as a missionary pastor immediately preceding the filing date of the petition; (2) that the position qualifies the beneficiary for classification as a special immigrant religious worker; or (3) the petitioner's ability to pay the beneficiary's proffered wage.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, "[a]n 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."

Counsel asserts that certain of the director's conclusions were erroneous, but counsel does not explain or demonstrate how these findings were incorrect. Counsel simply labels the findings "erroneous." Counsel then states that the petitioner has submitted sufficient evidence and that "a detailed review of this documentary evidence . . . can only lead to the conclusion that the beneficiary" is eligible for the benefit sought.

The bare assertion that the evidence supports reversal of the decision is not sufficient basis for a substantive appeal. Simply labeling a given finding "erroneous" is not a rebuttal of that finding. The purpose of an appeal is to specify and overcome the flaws in the director's decision, not merely to request a re-adjudication of the petition.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

**ORDER:** The appeal is dismissed.