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

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U.S. Citizenship and Immigration Services

PUBLIC COPY

[redacted]

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NOV 23 2004

FILE: EAC 02 190 51619 Office: VERMONT SERVICE CENTER Date:

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

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont 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 its director of religious education. The director determined that the petitioner had not established that the beneficiary had the requisite two years of continuous work experience in a qualifying religious occupation immediately preceding the filing date of the petition.

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."

On the Form I-290B Notice of Appeal, filed on May 19, 2003, counsel indicated that a brief would be forthcoming within thirty days. To date, over 17 months later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

On the appeal form itself, counsel asserts that the beneficiary's "clerical duties are subordinate to her teaching responsibilities," but does not elaborate or provide any evidence to support that claim. Counsel states that the petitioner "will provide evidence to prove that [the beneficiary] has been paid for two years prior to the submittal of the I-360 petition," but at present, such evidence is absent from the record. Finally, counsel states "the beneficiary is a commissioned 'Eucharist Minister' which evidences her religious vocation and training." The petitioner had not claimed that the beneficiary's duties as a "Eucharist Minister" constitute employment, or that her current work involves or requires her commission as such. This assertion is, therefore, of negligible relevance to the grounds cited in the denial notice.

In summary, the petitioner's appeal consists of vague or uncorroborated assertions, references to material not found in the record, and irrelevant observations. These statements do not add up to a substantive appeal.

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.