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]

JAN 21 2005

File: [redacted] Office: CALIFORNIA SERVICE CENTER Date:
WAC 03 021 51055

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)

IN 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, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) 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, 8 U.S.C. § 1153(b)(4), to perform services as a cantor. The director denied the petition on September 16, 2003, after determining that the petitioner failed to establish the beneficiary has been performing full-time work as a cantor for the two-year period immediately preceding the filing of the petition. The director further determined the petitioner failed to establish its ability to pay the beneficiary the 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."

On the Form I-290B Notice of Appeal, filed on October 16, 2003, the petitioner indicated that it was submitting a brief and/or separate evidence concurrently with the filing the appeal. In a letter submitted concurrently with the appeal, the petitioner states:

> Unfortunately, this notice was presented to me only this morning, since the addressee [redacted] pastor of [redacted] was out of the county and arrived only this past Saturday. Realizing that the deadline to appeal this decision is only a few days away, at this time, I would request an extension of thirty (30) days to submit the necessary documentation that is required since it is coming via [redacted] and with consideration given to this particular circumstance of it only arriving on my desk this morning.

The petitioner does not assert that any of the director's findings are incorrect or based upon an erroneous conclusion of law or policy. Further, despite the passage of more than 14 months since the petitioner's request for an extension of 30 days, the petitioner has not submitted any additional evidence.

Inasmuch as the petitioner has failed to specifically identify any erroneous conclusion of law of statement or fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.