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

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[redacted]

JAN 25 2005

FILE: [redacted] Office: VERMONT SERVICE CENTER Date:
EAC 01 231 56990

IN RE: Petitioner:
Beneficiary: [redacted]

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center denied the employment-based immigrant visa petition, and the matter 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 children's ministry specialist. The director determined that the petitioner had not established: (1) its tax-exempt status; (2) the qualifying nature of the position offered; or (3) its ability to pay the beneficiary's proffered salary.

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 18, 2002, counsel indicated that a brief would be forthcoming within sixty days. To date, over two years later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

We note that, for instances where the petitioner or counsel requests an extension of more than 30 days, the Form I-290B Notice of Appeal indicates that such an extension "may be granted only for good cause shown. Explain in a separate letter." These instructions are consistent with 8 C.F.R. § 103.3(a)(2)(vii). In this instance, counsel did not provide any explanation to show good cause for a 60-day extension. At any rate, counsel's promised brief is absent from the record.

On the appeal form itself, counsel states that the director's three cited grounds for denial are in error. Counsel offers no argument to support this claim; counsel simply offers conclusory assertions that oppose the director's findings. For instance, counsel states that the director erred in finding that the petitioner lacks the ability to pay the beneficiary's wage, because "the organization has the ability to pay [the beneficiary] as proposed." Counsel cites no evidence that conflicts with the director's findings, and offers no arguments to demonstrate flaws in those findings. Counsel simply states that the director's findings were not correct. Simply offering assertions that gainsay the director's findings is not a coherent demonstration of error, and therefore not sufficient basis for 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.