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

U.S. Citizenship
and Immigration
Services

[redacted]

FILE: [redacted] Office: TEXAS SERVICE CENTER Date: MAY 23 2005
SRC 98 077 51053

IN RE: Petitioner:
Beneficiary: [redacted]

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:

[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.

Marc Johnson

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, initially approved the employment-based immigrant visa petition. On further review, the director determined that the petitioner was not eligible for the visa preference classification. Accordingly, on June 23, 2003, the director properly served the petitioner with a Notice of Intent to Revoke the approval of the preference visa petition (NOIR) and her reasons therefore. After reviewing the petitioner's response to the NOIR, the director determined that the response raised additional issues, and served the petitioner with an additional NOIR on December 5, 2003. The petitioner submitted no response to the December NOIR. The director subsequently exercised her discretion to revoke the approval of the petition on February 17, 2004, indicating that the basis for the revocation was set forth in her NOIR of December 5, 2003, and noting that the petitioner had submitted no response to the NOIR.

On February 25, 2004, the petitioner filed this appeal with the Administrative Appeals Office (AAO). Counsel inaccurately stated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that the Notice of Revocation indicated that the petitioner's response to the June 23, 2003 was not received, and submitted a copy of the petitioner's response to that NOIR with its supporting documentation. The petitioner submitted no additional evidence in response to the director's NOIR of December 5, 2003.

In a request for evidence (RFE) dated March 23, 2004, the director summarized the procedural history of the case, and advised the petitioner and counsel that, as the December NOIR was not sent directly to the new attorney of record, the revocation of February 17, 2004 would be held in abeyance for 30 days to give the petitioner an opportunity to respond to the December 2003 NOIR. To date, no further documentation has been received by CIS or the AAO. Therefore, 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 minister. The director determined that the petitioner had not established that the beneficiary had been engaged continuously in a qualifying religious vocation or occupation for two full years immediately preceding the filing of the petition, that the position qualified as that of a religious worker, that the beneficiary was qualified for the position within the organization, that the petitioner had extended a qualifying job offer to the beneficiary, or that it had the ability to pay the proffered wage.

Section 205 of the Act, 8 U.S.C. § 1155, states that the Secretary of the Department of Homeland Security "may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204."

Regarding the revocation on notice of an immigrant petition under section 205 of the Act, the Board of Immigration Appeals has stated:

> In *Matter of Estime*, . . . this Board stated that a notice of intention to revoke a visa petition is properly issued for "good and sufficient cause" where the evidence of record at the time the notice is issued, if unexplained and unrebutted, would warrant a denial of the visa petition based upon the petitioner's failure to meet his burden of proof. The decision to revoke will be sustained where the evidence of record at the time the decision is rendered, including any evidence or explanation submitted by the petitioner in rebuttal to the notice of intention to revoke, would warrant such denial.

Matter of Ho, 19 I&N Dec. 582, 590 (BIA 1988)(citing *Matter of Estime*, 19 I&N 450 (BIA 1987)).

By itself, the director's realization that a petition was incorrectly approved is good and sufficient cause for the issuance of a notice of intent to revoke an immigrant petition. *Id.*

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.

The petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding; therefore, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.