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



U.S. Citizenship
and Immigration
Services

CI

FILE:

[REDACTED]
SRC 01 150 56442

Office: HOUSTON

Date:

AUG 16 2005

IN RE:

Petitioner:
Beneficiary:

[REDACTED]

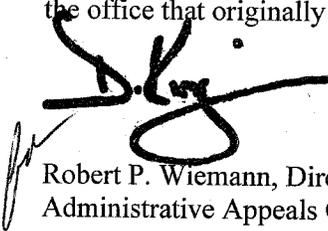
PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the District Director, Services, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The decision of the director will be withdrawn and the petition will be remanded to the Texas Service Center for further action and consideration.

The petitioner is a church. It seeks classification of 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 the coordinator of its children and youth ministries. 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 or that she had the required two years membership in the denomination.

The regulation at 8 C.F.R. § 204.5(b) provides that jurisdiction over the adjudication of a Form I-360, Petition for Amerasian, Widow or Special Immigrant, is the service center having jurisdiction over the intended place of employment. Although the petitioner filed its petition with the appropriate service center, the director of the Houston District Office rendered the decision. The record does not establish the authority of the Houston District Office to exercise jurisdiction over this petition.

We withdraw the district director's determination and remand the matter to the Texas Service Center for proper disposition pursuant to the regulation.

This matter will be remanded. The service center director may request any additional evidence deemed warranted and should allow the petitioner, within a reasonable period of time, to submit additional evidence in support of its position. As always in these proceedings, the burden of proof rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The decision of the district director is withdrawn. The petition is remanded to the Director, Texas Service Center, for further action in accordance with the foregoing and entry of a new decision, which, if adverse to the petitioner, is to be certified to the AAO for review.