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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]
EAC 01 192 53266

Office: VERMONT SERVICE CENTER

Date: AUG 16 2005

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

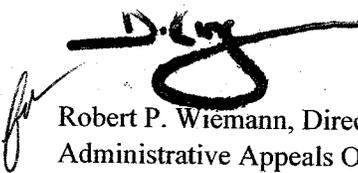
PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

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, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The self-petitioner seeks classification 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 music and choral director. The director determined that the petitioner had not established that the position qualified as that of a religious worker, that the prospective U.S. employer had the ability to pay the proffered wage, or that she had been carrying on the work for at least 2 years prior to the filing of the petition. The issues of continuous work, ability to pay, and qualifying position are separate, independent (rather than cumulative) issues; an adverse finding on any one of these issues is, by itself, sufficient to warrant denial of a petition.

The petitioner timely filed a Form I-290B, Notice of Appeal to the Administrative Appeals Unit, on which she indicated that she needed 60 days within which to submit a brief and/or additional evidence. As of the date of this decision, more than 11 months after the appeal was filed, no further documentation has been received by the AAO. Therefore, the record will be considered complete as presently constituted.

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.

EB4:08/05/05:AAOBJL01