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**U.S. Citizenship
and Immigration
Services**

[REDACTED]

File: [REDACTED]
WAC 04 180 52966

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

JAN 17 2006

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:

[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.

Mari Johnson

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 non-profit religious organization that 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). The director denied the petition on May 20, 2005, after determining that the petitioner failed to establish the beneficiary had been performing continuous full-time work in the proffered position during the two-year period immediately preceding the filing of the petition. The director further determined that the petitioner failed to establish that the proffered position is a qualifying religious occupation.

The regulation at 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 June 17, 2005, counsel for the petitioner indicates that he would be submitting a brief and/or evidence to the AAO within 90 days. To date, nearly six months after the filing of the appeal, the record contains no further submission. Accordingly, the record is considered complete as it now stands.¹

In the statement provided by counsel on the Form I-290B counsel states the following as the reason for the appeal:

[T]he beneficiary meets the requirements for 2 years experience of performing work continuously prior to filing petition.

Counsel does not elaborate on his statement or point to specific evidence to support his assertion that the beneficiary “meets the requirements” of continuous, full-time work experience during the two-year period immediately prior to filing the petition. The unsupported statements of counsel on appeal or in a motion are not evidence and thus are not entitled to any evidentiary weight. *See INS v. Phinpathya*, 464 U.S. 183, 188-89 n.6 (1984); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980). Moreover, counsel fails to address the director’s second ground for denial regarding the issue of whether the proffered position is a qualifying religious occupation.

As the petitioner has failed to address all of the director’s stated grounds for denial and has failed to specifically identify any erroneous conclusion of law or statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.

¹ In a fax submitted by counsel on January 10, 2006, counsel confirmed that he did not submit a brief or additional evidence in support of the appeal.