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

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U.S. Citizenship and Immigration Services

PUBLIC COPY

[redacted]

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OCT 17 2007

FILE: EAC 05 038 53139 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner: [redacted]
Beneficiary:

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.

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The 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 minister at the Rehoboth Center Church of God, Bridgeport, Connecticut. The director determined that the petitioner had not established that the petitioner had the requisite two years of continuous work experience as a minister immediately preceding the filing date of the petition. In addition, the director determined that the petitioner had not established the prospective employer's ability to pay the petitioner's proffered wage.

We note that the petitioner is represented by counsel, but the record contains no evidence that counsel participated in the preparation or filing of the appeal.

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 April 11, 2007, the petitioner indicated that additional evidence would be forthcoming within thirty days. The petitioner did not describe this evidence; he merely stated: "I have additional evidence which support[s] a position different from the conclusions reached by the USCIS. And wish to present such evidence on appeal. . . ." To date, six months later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

While any evidence submitted would receive due consideration, it cannot suffice for the petitioner simply to allege the existence of unidentified supporting evidence. This unsubstantiated claim is not a specific allegation of error. The bare assertion that the director somehow erred in rendering the decision is not sufficient basis for a substantive appeal.

Inasmuch as the petitioner 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.