U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

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U.S. Citizenship and Immigration Services

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[redacted]

FILE: WAC 94 007 52011 Office: LOS ANGELES DISTRICT OFFICE Date: JUN 10 2009

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, initially approved the employment-based immigrant visa petition. Upon further review, the District Director, Los Angeles, determined that the petition had been approved in error. The district director served the petitioner with a notice of intent to revoke, and subsequently revoked the approval of the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

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 an evangelist. Also, section 101(a)(27)(C)(iii) of the Act, 8 U.S.C. § 1101(a)(27)(C)(iii), requires the beneficiary to have engaged in qualifying religious work throughout the two-year period immediately preceding the filing date of the petition, in this case October 12, 1993. Although the director initially approved the Form I-360 religious worker petition, an overseas investigation subsequently contradicted key claims regarding the beneficiary's employment as an evangelist in Seoul, Korea from 1988 through 1993.

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 November 22, 1994, counsel indicated that a brief would be forthcoming within thirty days. The requested interval has elapsed and careful review of the record reveals no subsequent submission from the petitioner or from counsel.

On the Form I-290B itself, counsel asserts "The Beneficiary of the Petition herein submitted evidence and rebuttal to demonstrate that he was employed the required two years." There is no further discussion of this unidentified "evidence and rebuttal," and no explanation as to how these materials should have prevented revocation of the approval of the petition.

The only specific allegation of error set forth on appeal is counsel's assertion that the district director "did not permit the Petitioner to have his witnesses be paroled into the United States . . . or allow Petitioner the opportunity to confront and cross examine the investigator on whose sole reliance this denial is based." Counsel does not cite any statute, regulation, or case law to establish that the former Immigration and Naturalization Service or its successor agencies, including U.S. Citizenship and Immigration Services and Immigration and Customs Enforcement, were or are required to parole witnesses into the United States for visa petition proceedings or to produce investigators for cross-examination by petitioners, beneficiaries, or their attorneys. That the district director declined the petitioner's extraordinary requests is neither an error of fact nor an erroneous conclusion of law.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the AAO must summarily dismiss the appeal.

ORDER: The appeal is dismissed.