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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

C1

DATE: **FEB 15 2012** OFFICE: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

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

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:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

*Perry Rhew*  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, (“the director”) denied the employment-based immigrant visa petition on April 2, 2010. The petitioner timely filed an appeal to the denied petition. The matter is now before the Administrative Appeals Office (“AAO”) on appeal. The AAO will summarily dismiss the appeal.

The petitioner is a Methodist 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 a Youth Director. On August 31, 2009, the petitioner filed a form I-360 petition. On January 12, 2010, a Notice of Intent to Deny (“NOID”) was sent to the petitioner, who timely responded. On April 2, 2010, the director denied the petition. The director found that the beneficiary had not been lawfully employed as a religious worker for at least the two-year period immediately preceding the filing of the petition.

On appeal, counsel merely stated that, “The Petitioner hereby asserts that the Service’s finding that the Beneficiary’s employment during the requisite time period does not fulfill the provisions of 8 CFR §204.5(m)(4) is an error of matter of law and fact. The Beneficiary has indeed engaged in full-time employment in a religious occupation that should be deemed authorized by the immigration service during the requisite time period.”

Counsel further stated, “Petitioner will file a brief within thirty (30) days of the date of this Notice of Appeal providing further explanation as to why the employment of the Beneficiary during the requisite time period fulfills the provisions of CFR §204.5(m).” Counsel dated the appeal April 29, 2010. As of this date, almost two years later, the AAO has received nothing further, and the regulation requires that any brief shall be submitted directly to the AAO. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Counsel here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. She has merely expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.