

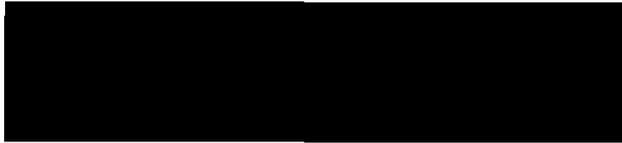
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

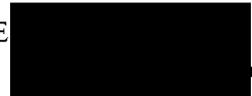


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DATE **JUN 19 2012**

Office: CALIFORNIA SERVICE CENTER

FILE



IN RE:

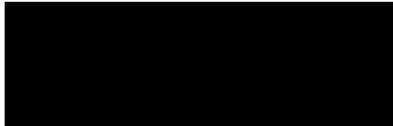
Petitioner:

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. Please note that all documents have been returned to the office that originally decided your case. Please also note that any further inquiry must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, (the director) and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

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 a church pastor. On July 15, 2010, the petitioner filed a Form I-360 petition. On June 9, 2011, the director denied the petition, finding that the petitioner had not established that the beneficiary had been working continuously in lawful status for the two years immediately preceding the filing of the petition. The director also found that the petitioner did not have the ability to compensate the beneficiary. Finally, the director found that the petitioner did not establish that it was a *bona fide* non-profit religious organization in the United States.

On appeal, counsel did not provide any statement explaining any erroneous conclusion of law or fact in the decision being appealed. Counsel merely stated:

Alien worked full time as Pastor [sic] for at least two years prior to filing the I 360; Alien received salary from the employer Church every month during said period; The alien has submitted sufficient documentation to establish a bona fide employer employee relationship as Pastor for the Church.

The AAO notes that counsel did not explain how or why the director erred in reaching her conclusion.

Counsel checked the box indicating that a brief and/or additional evidence would be submitted to the AAO within 30 days. Counsel dated the appeal July 5, 2011. As of this date, more than 10 months 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. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.