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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: **MAR 29 2012** OFFICE: CALIFORNIA SERVICE CENTER 

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:

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
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner is a [REDACTED] 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 nun. The director determined that the petitioner had not established that the beneficiary had the required two years of continuous, qualifying work experience in lawful immigration status immediately preceding the filing date of the petition.

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.”

The petitioner filed the Form I-290B, Notice of Appeal, on September 23, 2010. The petitioner’s statement on the appeal form reads, in its entirety: “Under Ruiz-Diaz v. the United States, the beneficiary qualifies as a special immigrant religious worker and the I-360 should be approved. I am submit[t]ing a brief within 30 days of filing this appeal.” To date, a year and a half later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The petitioner had previously, in response to a notice from the director, cited *Ruiz-Diaz v. United States*, No. C07-1881RSL (W.D. Wash. June 11, 2009), in support of the petition. The director, in denying the petition on August 23, 2010, acknowledged the petitioner’s claim, but explained why the cited court decision did not apply in the present situation or establish the beneficiary’s eligibility. On appeal, the petitioner simply repeats the name of the court case. The petitioner does not address, rebut or overcome the director’s prior findings, or explain why the cited case warrants approval of the petition. Simply identifying a court decision is not a 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 AAO must summarily dismiss the appeal.

ORDER: The appeal is dismissed.