

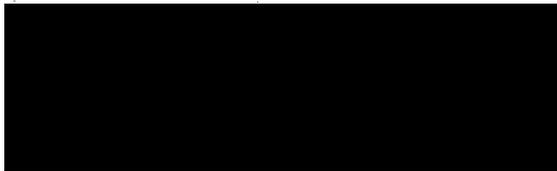
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U.S. Citizenship  
and Immigration  
Services

C1



FILE: LIN 05 073 50956 Office: NEBRASKA SERVICE CENTER Date: **DEC 23 2005**

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

PETITION: 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:

SELF-REPRESENTED

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.

A handwritten signature in cursive script that reads "Maurice Johnson".

Robert P. Wiemann, Director  
Administrative Appeals Office

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

The self-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 Buddhist monk. The acting director determined that the petitioner had not established that his prospective U.S. employer qualifies as a bona fide nonprofit religious organization. The acting director further determined that the petitioner had not established he had been engaged continuously in a qualifying religious vocation or occupation for two full years immediately preceding the filing of the petition, that he has been extended a qualifying job offer or that his prospective U.S. employer has the ability to pay him the proffered wage.

On appeal, the petitioner submits additional documentation.

Section 203(b)(4) of the Act provides classification to qualified special immigrant religious workers as described in section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C), which pertains to an immigrant who:

(i) for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;

(ii) seeks to enter the United States--

(I) solely for the purpose of carrying on the vocation of a minister of that religious denomination,

(II) before October 1, 2008, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(III) before October 1, 2008, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986) at the request of the organization in a religious vocation or occupation; and

(iii) has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period described in clause (i).

The petitioner filed a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, on January 12, 2005. With it he submitted a Form G-325A, Biographic Information. The petitioner submitted none of the evidence or documentation required by 8 C.F.R. § 204.5(m)(3).

In a detailed request for evidence (RFE) dated May 2, 2005, the director instructed the petitioner to submit evidence that his prospective U.S. employer is a bona fide nonprofit religious organization such as a tax-exemption determination from the Internal Revenue Service (IRS), evidence that the prospective U.S. employer is covered under a group tax-exemption granted to a parent organization, or evidence pursuant to 8 C.F.R. § 204.5(m)(3)(i)(B) that the employing organization would qualify for federal tax-exemption as a nonprofit

religious organization. The petitioner was also instructed to submit evidence that he had the required two years experience in the religious occupation immediately preceding the filing of the visa petition, and to submit a letter from an authorized representative of the employing organization verifying that the petitioner had received a qualifying job offer by outlining the terms and conditions of the proffered job and indicating that the petitioner would not be solely dependent upon supplemental employment for his support. The petitioner was also instructed to submit evidence in the form of bank statements and recent audits that would establish that his prospective U.S. employer has the ability to pay him the proffered wage.

In response, the petitioner submitted a brief biography/résumé.

On appeal, the petitioner submits a copy of an August 23, 1989 notice from the Internal Revenue Service notifying the [REDACTED] of its new employer identification number; a copy of a June 22, 1983 certificate from the Michigan Department of Commerce, indicating that the [REDACTED] had filed articles of incorporation with that office; a copy of a 1992 Michigan annual report to nonprofit corporations; a copy of a 2005 [REDACTED] Update; copies of his passport, U.S. visa, Michigan driver's license, and social security card; and a copy of a May 28, 2002 letter from the [REDACTED] requesting that the petitioner be allowed to enter the United States to teach at the organization for one year. The petitioner also resubmitted a copy of his biography/résumé and submitted a copy of a document from the [REDACTED] that was not accompanied by an English translation. Because the petitioner failed to submit a certified translation of the latter document, the AAO cannot determine whether the evidence supports his claims. See 8 C.F.R. § 103.2(b)(3). Accordingly, the evidence is not probative and will not be accorded any weight in this proceeding.

The regulation states that the petitioner shall submit additional evidence as the director, in his or her discretion, may deem necessary. The purpose of the request for evidence is to elicit further information that clarifies whether eligibility for the benefit sought has been established, as of the time the petition is filed. See 8 C.F.R. §§ 103.2(b)(8) and (12). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14).

Where, as here, a petitioner has been put on notice of a deficiency in the evidence and has been given an opportunity to respond to that deficiency, the AAO will not accept evidence offered for the first time on appeal. See *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); see also *Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988). If the petitioner had wanted the submitted evidence to be considered, it should have submitted the documents in response to the director's request for evidence. *Id.* Under the circumstances, the AAO need not and does not consider the sufficiency of the evidence submitted on appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An 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 has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding; therefore, the appeal must be summarily dismissed.

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