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U.S. Citizenship  
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FILE:

[REDACTED]  
EAC 05 077 53009

Office: VERMONT SERVICE CENTER

Date: DEC 19 2006

IN RE:

Petitioner:  
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:

[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.

*Robert P. Wiemann*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is identified as a Roman Catholic 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 caretaker. The director determined that the petitioner had not established that the position offered to the beneficiary qualifies as a religious occupation. In addition, the director determined that the petitioner had not established its own qualifying status as a tax-exempt religious organization.

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 notice of appeal, filed on November 14, 2005, counsel states: “Please grant 60 days due to complicated issues involved.” Counsel does not identify the “complicated issues” that prevented the timely submission of a substantive appeal. To date, over a year later, careful review of the record reveals no subsequent submission. The AAO has attempted to contact counsel, in order to ascertain whether any brief was submitted. The AAO has received no response and will therefore consider the record to be complete as it now stands. We note that, on April 15, 2003, the director denied an earlier petition filed by this petitioner on behalf of the same beneficiary, for essentially the same reasons as those set forth in the present denial in 2005. Therefore, the petitioner has essentially had several years’ notice regarding the deficiencies in the petition.

Counsel states: “The documentation submitted clearly indicates that the beneficiary qualifies as a religious worker under Sec. 101(a)(27)(C) of the INA and 8 CFR, part 204(5)(m)(3).” The general statement that the evidence “clearly indicates” the beneficiary’s eligibility makes no specific allegation of error, and is not a sufficient basis for a substantive appeal.

Finally, counsel states: “we are submitting documentation as evidence of tax exemption in accordance with Sec. 501(c)(3) of the Internal Revenue Code of 1986.” This “documentation” consists of a handwritten note from Rev. [REDACTED], Rector of the petitioning church, who states: “Our Church is a Non Profit Organization bearing the Federal Tax Exemption [REDACTED].” We failed to send this with our last request.” The cited number is not self-evident proof of tax-exempt nonprofit status; it appears to be the petitioner’s Employer Identification Number, a number assigned to employers regardless of for-profit or nonprofit status. This number had, in fact, appeared in earlier correspondence from the petitioner, and therefore its resubmission does not amount to a substantive submission on appeal.

In short, the petitioner disputes the director’s decision on appeal, but offers no articulated support for the bare assertion that the director made an incorrect determination. Inasmuch as counsel and the petitioner have failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

**ORDER:** The appeal is dismissed.