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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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PUBLIC COPY

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

AUG 03 2007

WAC 97 140 54297

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, initially approved the employment-based immigrant visa petition. Upon further review, the director determined that the petition had been approved in error. The director issued a notice of intent to revoke, and subsequently revoked the approval of the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

Section 205 of the Act, 8 U.S.C. § 1155, states: “The Secretary of Homeland Security may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204.”

Regarding the revocation on notice of an immigrant petition under section 205 of the Act, the Board of Immigration Appeals has stated:

In Matter of Estime, . . . this Board stated that a notice of intention to revoke a visa petition is properly issued for “good and sufficient cause” where the evidence of record at the time the notice is issued, if unexplained and un rebutted, would warrant a denial of the visa petition based upon the petitioner’s failure to meet his burden of proof. The decision to revoke will be sustained where the evidence of record at the time the decision is rendered, including any evidence or explanation submitted by the petitioner in rebuttal to the notice of intention to revoke, would warrant such denial.

Matter of Ho, 19 I&N Dec. 582, 590 (BIA 1988) (citing *Matter of Estime*, 19 I&N Dec. 450 (BIA 1987)).

By itself, the director’s realization that a petition was incorrectly approved is good and sufficient cause for the issuance of a notice of intent to revoke an immigrant petition. *Id.* The approval of a visa petition vests no rights in the beneficiary of the petition, as approval of a visa petition is but a preliminary step in the visa application process. The beneficiary is not, by mere approval of the petition, entitled to an immigrant visa. *Id.* at 589.

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 director, in the notice of revocation, stated that the petitioner had failed to respond to the notice of intent to revoke that the director had issued on July 7, 2006. On the Form I-290B Notice of Appeal, counsel asserts that the petitioner did not receive the notice of intent to revoke, and never saw the notice until the director included a copy with the notice of revocation. Most of counsel’s statement on appeal consists of arguments to the effect that the petitioner should be allowed an additional 30 days to review the allegations in the notice of intent to revoke.

The director received the appeal on September 25, 2006, meaning that the requested extension expired in late October 2006. The record contains no supplementary submission from the petitioner or counsel. On June 12, 2007, the AAO contacted counsel by facsimile and stated: “The AAO hereby grants you 30 days from the date of this notice to submit a brief and/or evidence to support the appeal. . . . If the AAO does not receive a brief and/or evidence on or before July 12, 2007, then the AAO may summarily dismiss the appeal.” To date, several weeks

after the AAO's deadline and nine months after the end of the 30-day period originally requested in September 2006, the AAO has received no further submission from the petitioner or counsel. The AAO shall, therefore, consider the Form I-290B itself to represent the entirety of the appeal.

As noted above, most of counsel's statements on the appeal form relate to procedural issues concerning the notice of intent to revoke and the requested 30-day extension. Counsel states that the director "erred in his findings of fact, conclusions of law and abused his discretion." This is a general statement that makes no specific allegation of error. The bare assertion that the director somehow erred in rendering the decision is not sufficient basis for a substantive appeal.

Counsel provides only one "example of the errors of fact." Specifically, in the notice of intent to revoke, the director stated: "On September 01, 2005, USCIS District Office in Phoenix, Arizona conducted an interview with the petitioner and the beneficiary." Counsel states: "The beneficiary was never interviewed in Arizona." The remainder of the five-page notice, however, contains no subsequent mention of the claimed interview. Rather, the notice relies much more heavily on a discussion of record evidence and pertinent regulations. The notice correctly identifies the beneficiary and an official of the petitioning entity, ruling out the possibility that the director inadvertently issued a notice intended for an entirely different proceeding. Therefore, even if we assume that the director erred by referring to the interview, that error did not contribute in any discernible way to the director's decision to revoke the petition. Counsel's sole allegation of factual error has no demonstrated bearing on the outcome of the proceeding.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a relevant statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.