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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

C1

[Redacted]

FILE: [Redacted]
WAC 06 146 50130

Office: CALIFORNIA SERVICE CENTER

Date: DEC 29 2008

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.


John F. Grissom, Acting 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 appeal will be summarily dismissed.

The petitioner is a United Methodist 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 minister of music. The director determined that the petitioner had not established the beneficiary has been continuously performing the duties of her position for the two-year period immediately preceding the filing date of the petition. The director further noted that a site visit indicated that the beneficiary was engaged in primarily clerical and secretarial work (rather than music ministry) and that she was conducting private piano lessons as supplemental employment.

The director's decision stated:

On October 2, 2007 a site visit was conducted at the petitioner's location. An immigration officer spoke with [REDACTED]. When first asked if the beneficiary was working full-time [REDACTED] said yes. However, the IO had already spoken with Praise and Worship Music [REDACTED], who had stated that the beneficiary worked part-time. When told this, [REDACTED] said that his church was having some financial difficulties and that the beneficiary only worked part-time. [REDACTED] said that the beneficiary provided administrative office support (clerk/secretarial work) during the week and that only on the weekends did she perform any work with the choir.

The immigration officer then went to "The Piano Shop" located in San Jose's Great Mall. He caught the beneficiary sitting in the shop beside a printout/flyer listing the prices charged for private lessons. The beneficiary admitted to receiving payment for private piano lessons in violation of her R1 status. She said that she has been providing these lessons since 2005.

On appeal, counsel generally asserts that "the beneficiary was working full-time as a music minister for the petitioner from April 7, 2004 to April 7, 2006," but does not specifically challenge any of the director's findings. For example, the petitioner does not address Reverend Cao's comments indicating that the beneficiary primarily performed administrative office support rather than religious music services. Further, the petitioner has not submitted evidence establishing that the beneficiary worked primarily as a minister of music. Counsel indicated that a brief and/or evidence would be submitted to the AAO within 30 days. The appeal was filed on August 14, 2008. As of this date, more than four months later, the AAO has received nothing further.

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. The petitioner 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.