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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

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U.S. Citizenship
and Immigration
Services

[Redacted]

C₁

DATE: **JUL 22 2011** OFFICE: CALIFORNIA SERVICE CENTER FILE: [Redacted]

IN RE: Petitioner: [Redacted]
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)

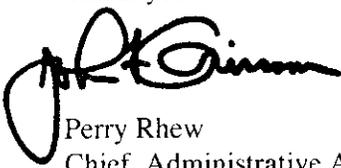
ON BEHALF OF PETITIONER:
[Redacted]

INSTRUCTIONS:

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 dismiss the appeal. The AAO will also enter a separate finding of willful misrepresentation of a material fact.

The petitioner is a Sunni Islamic mosque. 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 priest. The director determined that the petitioner had not established that the beneficiary had the required two years of continuous, qualifying work experience immediately preceding the filing date of the petition.

On appeal, the petitioner submits a brief from prior counsel. In this decision, the term "prior counsel" shall refer to [REDACTED], who represented the petitioner until mid-2011. The term "counsel" shall refer to the present attorney of record.

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 September 30, 2012, 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 September 30, 2012, 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 U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 204.5(m)(4) requires the petitioner to show that the beneficiary has been working as a minister or in a qualifying

religious occupation or vocation, either abroad or in lawful immigration status in the United States, continuously for at least the two-year period immediately preceding the filing of the petition.

The USCIS regulation at 8 C.F.R. § 204.5(m)(11) reads:

Evidence relating to the alien's prior employment. Qualifying prior experience during the two years immediately preceding the petition or preceding any acceptable break in the continuity of the religious work, must have occurred after the age of 14, and if acquired in the United States, must have been authorized under United States immigration law. If the alien was employed in the United States during the two years immediately preceding the filing of the application and:

- (i) Received salaried compensation, the petitioner must submit IRS documentation that the alien received a salary, such as an IRS Form W-2 or certified copies of income tax returns.
- (ii) Received non-salaried compensation, the petitioner must submit IRS documentation of the non-salaried compensation if available.
- (iii) Received no salary but provided for his or her own support, and provided support for any dependents, the petitioner must show how support was maintained by submitting with the petition additional documents such as audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence acceptable to USCIS.

If the alien was employed outside the United States during such two years, the petitioner must submit comparable evidence of the religious work.

The petitioner filed the Form I-360 petition on August 25, 2006. In an accompanying statement, [REDACTED] stated that the beneficiary "has been working as [an] R-1 priest since 05/09/2003 as a paid full time employee, initially with GMC Foundation and currently with us. Copies of his W2 and tax returns are enclosed."

The petitioner submitted a copy of IRS Form W-2, Wage and Tax Statement, indicating that GMC Foundation, Jersey City, New Jersey, paid the beneficiary \$14,040 in 2005. An uncertified copy of the beneficiary's 2004 income tax return likewise showed \$14,040 earned in that year, but no IRS documentation substantiated that amount.

In a job offer letter dated July 1, 2006, [REDACTED] stated that the beneficiary "will be paid US \$15,500.00 per annum in equal installments at the end of every month." Under that arrangement, each monthly installment would be \$1,291.67 before taxes.

On December 11, 2006, the director issued a request for evidence (RFE) instructing the petitioner to submit further documentation of the beneficiary's employment history during the qualifying period, including documentation of payment. In response, the petitioner submitted copies of processed checks from the petitioner to the beneficiary from late 2006, in the amount of \$1,290.00 on August 10, and \$1,141.32 on September 20, October 31, and December 1. Only the earliest of these checks falls during the August 2004-August 2006 qualifying period.

The petitioner submitted a letter, dated December 18, 2006, attributed to [REDACTED], president of GMC Foundation, Inc. The letter reads, in part: "We hired [the beneficiary] as a religious teacher and an Islamic priest on November 12, 2003 and he was employed at our establishment till July of 2006. . . . While [the beneficiary] was employed he received a monthly salary of \$1,440.00. . . . [The beneficiary] worked a total of 40 hours per week." At \$1,440 per month, the beneficiary should have earned \$17,280 over the course of a full year, yet the materials submitted by the petitioner indicate that the beneficiary received only \$14,040, less than ten months' pay at the stated rate, in 2004 and in 2005.

On June 19, 2007, the director issued a second RFE, indicating that the petitioner had provided only partial documentation of the beneficiary's 2004-2006 compensation. In response, the petitioner submitted another (undated) letter attributed to [REDACTED], stating that the beneficiary "was employed at our establishment till July of 2006," during which time the beneficiary "worked a total of 40 hours per week" and "received a monthly salary of \$1,440.00."

The petitioner stated that its response included "IRS Forms W-2 . . . for 2004 and 2006." The AAO can find no 2004 Form W-2 in the record. The petitioner submitted a copy of the beneficiary's IRS Form W-2 from the petitioner, showing payment of \$5,160 during the last five months of the year, but no Form W-2 to reflect the beneficiary's seven months of claimed employment [REDACTED] earlier that same year. A copy of the beneficiary's 2006 income tax return shows \$5,160 in wages paid – an amount matching the amount shown on the Form W-2 from the petitioner. This indicates that the beneficiary reported no salary at all from [REDACTED] for 2006.

The director denied the petition on May 27, 2010, stating that the petitioner failed to document the beneficiary's continuous employment throughout the two-year qualifying period. The director noted omissions and inconsistencies in the petitioner's evidence, and concluded: "the above inconsistencies suggest that the beneficiary may not have been employed on a full-time basis."

On appeal, prior counsel asserts that the pertinent regulations require only that the beneficiary's future employment will be full time, not that the past employment was full time. The regulation at 8 C.F.R. § 204.5(m)(4), however, requires that the beneficiary must have been working in one of the positions described in 8 C.F.R. § 204.5(m)(2). That regulation, in turn, refers to "a full time (average of at least 35 hours per week) compensated position."

Even if the regulations did not require past employment to have been full time, the petitioner had previously claimed that the beneficiary's past employment was full time, and the petitioner must demonstrate that its own claims in support of the petition are true. Section 204(b) of the Act,

8 U.S.C. § 1154(b), provides for the approval of immigrant petitions only upon a determination that “the facts stated in the petition are true.” False, contradictory, or unverifiable claims inherently prevent a finding that the petitioner’s claims are true. *See Anetekhai v. I.N.S.*, 876 F.2d 1218, 1220 (5th Cir. 1989); *Systronics Corp. v. I.N.S.*, 153 F. Supp. 2d 7, 15 (D.D.C. 2001); *Lu-Ann Bakery Shop, Inc. v. Nelson*, 705 F. Supp. 7, 10 (D.D.C. 1988).

signed Form I-360, thereby certifying under penalty of perjury that “this petition and the evidence submitted with it is all true and correct.” In a letter accompanying the petition, stated the beneficiary “has been working as [an] R-1 priest since 05/09/2003 as a paid full time employee, initially with and currently with us.” A letter attributed to of indicated that the beneficiary “worked a total of 40 hours per week.” Even on appeal, prior counsel acknowledges that the “petitioner contends that beneficiary was a full time worker with during the statutory period of 2 years prior to filing of instant I-360.”

Prior counsel states:

full time work does not necessarily mean[] 52 weeks a year. In the normal course of work life, there could be situations where a worker may have to travel, stay home for family, may be sick etc. Where such [a] situation arises, the total wages paid for the year may be lower than what could have been earned without taking (unpaid) time off. Taking such time off, does not constitute lack of full time employment. . . .

had sponsored beneficiary as an R1 employee for a full time position of religious worker. . . had also submitted an I-360 petition for the beneficiary which was approved.

Based on the I-360 by beneficiary had submitted I-485 application for adjustment of status. Beneficiary was granted Employment Authorization Card as well as Travel Document to facilitate travel outside US during the pendency of his I-485.

Beneficiary, while in full time employment with [.] traveled abroad from January 19, 2006 until March 17, 2006. He was not paid during this travel for which he had taken Leave of Absence (unpaid) from the sponsoring employer.

Beneficiary was then invited to visit Dallas by [the petitioner] to perform religious functions. He arrived in Dallas towards the end of March 2006. [The petitioner] filed an R1 petition for the beneficiary on July 17, 2007. This R1 petition was approved on July 26, 2007. It was valid through May 8, 2008. . . .

During his stay away outside US and then in Irving, TX, away from [.] of New Jersey, beneficiary was still an employee [.] and

was constantly engaged in religious activities belonging to the same religious denomination.

Prior counsel quotes the regulation at 8 C.F.R. § 204.5(m)(4), which states that a break in the continuity of the work during the preceding two years will not affect eligibility so long as:

- (i) The alien was still employed as a religious worker;
- (ii) The break did not exceed two years; and
- (iii) The nature of the break was for further religious training or for sabbatical that did not involve unauthorized work in the United States.

Prior counsel fails, however, to consider two key points. First, the quoted regulation limits the permissible grounds for a break in the continuity of employment. If the purpose of the break was not “for further religious training or for sabbatical,” then the break falls outside the plain wording of the regulation. The petitioner has not shown that the interruptions meet those requirements. Second, the allowance for a break in the continuity of the beneficiary’s past work does not mean that the petitioner can document less than two years of actual work performed. Rather, it expands the timeline during which the beneficiary could have performed the required two years of work.

The above regulation allows a break of up to two years. Under prior counsel’s logic, an alien need not have performed any qualifying work at all if the entire two-year qualifying period was one long “break.” Such an outcome is clearly contrary to the intent of Congress as expressed in the plain language of the statute (which includes an experience requirement). If there was, say, a one-year break in the beneficiary’s employment, then the petitioner must document the beneficiary’s qualifying employment going back three years, to account for two years of qualifying experience plus the one-year break. This is clear from the regulation at 8 C.F.R. § 204.5(m)(11), which refers to “[q]ualifying prior experience during the two years immediately preceding the petition or preceding any acceptable break in the continuity of the religious work.”

Prior counsel, on appeal, makes the completely new claim that various “breaks” interrupted the beneficiary’s work for about six months between August 2004 and August 2006. The petitioner, however, does not establish an equivalent amount of earlier employment immediately before that period to offset the interruptions. Therefore, prior counsel’s argument is, on its face, an acknowledgment that the beneficiary did not work continuously during the qualifying period, as both the statute and regulations require.

Beyond the logical flaws in prior counsel’s arguments on appeal, information in USCIS records seriously compromises the petitioner’s credibility. The record shows that USCIS approved [REDACTED] Form I-360 petition on the beneficiary’s behalf on July 1, 2005. The record also shows, however, that [REDACTED] withdrew its approved petition on January 31, 2006, resulting in its automatic revocation on April 24, 2006 under 8 C.F.R. § 205.1(a)(3)(iii)(C). In the January 31, 2006

withdrawal letter, [REDACTED] secretary, [REDACTED], stated that the beneficiary's "employment with [REDACTED] has been terminated effective immediately. . . . We are no longer interested in employing him now or in the future." This information contradicts the petitioner's claims, and casts serious doubt on the authenticity of the two letters attributed to [REDACTED].

On April 21, 2011, the AAO advised the petitioner that correspondence from [REDACTED] directly contradicted the petitioner's claims. The AAO also stated:

On Form G-325A, Biographic Information, dated August 16, 2010, the beneficiary himself repeated the claim that he worked for [REDACTED] – and lived in New Jersey – until July 2006. If this is not true, then the beneficiary personally misrepresented material facts relevant to an immigration proceeding.

Doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582, 586 (BIA 1988).

Section 212(a)(6)(C)(i) of the Act states: "Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible." Absent independent and objective evidence to overcome, fully and persuasively, our above finding, the AAO will dismiss the appeal and enter a formal finding into the record that both the petitioner and the beneficiary have willfully misrepresented a material fact. Because the beneficiary has independently misrepresented his employment history on his Form G-325A, this finding of willful misrepresentation of a material fact can also be considered in future proceedings in which the beneficiary's admissibility is an issue.

In response to the AAO's notice [REDACTED] president of the petitioning organization, states:

[The petitioner] has at no time misrepresented any information provided on the application. The letter in question was provided to us by [REDACTED] no one from [the petitioner's] Management Committee has ever had any contact whatsoever with any Board Member of [REDACTED].

[The beneficiary] is the only clergyman on our staff and . . . his services are desperately needed for our American Muslim community here in Irving. . . . Losing our only Imam will have drastic and catastrophic impact on our organization, its members and their children who desperately need a place to practice their religion.

letter does not explain why information submitted by the petitioner directly contradicts information provided by directly to USCIS. The petitioner has not established that the letters attributed to are authentic or accurate, or that there is any reason to question the letter from

With respect to the claim that the beneficiary's "services are desperately needed," eligibility rests on meeting a number of qualifications. The petitioner's stated need for the beneficiary's services is not a valid basis for the AAO to set aside the eligibility requirements, even if the AAO had the authority to do so (which it does not).

Counsel contends that the petitioner filed its petition

in good faith, believing that all of the facts were accurate and complete. The letter provided to prior counsel by dated December 18, 2006 was signed by the President of that foundation. [The petitioner] has no reason to believe that the statements contained within the letter are anything other than a truthful representation of the dates of employment. . . .

Furthermore, the letter sent to USCIS on January 31, 2006 revoking current and former employment was signed by a different officer of than the letter dated December 2006 provided to us by the foundation and submitted in conjunction with the I-360 petition at hand.

It is our understanding that the alleged immediate termination effective as of the date of that letter was not communicated to the Beneficiary, who was on a leave of absence when it was sent to USCIS by. It is our firm understanding . . . that the fact of a termination of employment effective in January was never clearly communicated to the Beneficiary and was never communicated in writing. Thus, we have no reason to believe that the employment end date stated on our petition was a misrepresentation.

Counsel presumes that the December 2006 and undated (2007) letters attributed to are known to be from an official of. The authenticity of those letters, however, is very much in dispute here. The only letter that provided directly to USCIS was's January 2006 letter. The subsequent letters attributed to came to USCIS via the present petitioner. Those subsequent letters did not mention earlier letter or attempt to explain or mitigate statements. There is no indication that the author of the letter attributed to was aware of letter at all. The petitioner's latest submission contains nothing from that would shed further light on the issue, or show that the letters attributed to are authentic and credible.

The wording of the various letters leaves no room for a difference of perspective between and, such that both individuals described the same situation but from

different points of view. If, as [REDACTED] directly told USCIS, the beneficiary's "employment with GMC has been terminated effective immediately," effective January 31, 2006, then it cannot also be true that the beneficiary "was employed at our establishment till July of 2006" as claimed in both of the letters attributed to [REDACTED].

Counsel, acknowledging the "contradictory" nature of the various letters, contends that [REDACTED] as "the President of the organization," outranked "the Secretary of that organization" and "[c]learly . . . would have knowledge of when the Beneficiary's employment was terminated." Apart from presuming the authenticity of the purported [REDACTED] letter, this argument relies on other untenable presumptions as well. *Black's Law Dictionary* 1472 (9th ed., West 2009) defines a secretary as "[a] corporate officer in charge of official correspondence, minutes of board meetings, and records of stock ownership and transfer." Counsel, however, discounts official correspondence from the corporation's "officer in charge of official correspondence" and presumes not only that the secretary was unaware of the beneficiary's employment status, but reported the beneficiary's termination six months before it actually happened. According to the timeline in the purported [REDACTED] letters, when USCIS automatically revoked the approval of [REDACTED] petition in April 2006, the beneficiary was still a foundation employee, yet there is no evidence at all that GMC Foundation disputed the revocation. Counsel proposes a chain of events that is neither credible nor supported by any verifiable evidence in the record.

The petitioner's claim that the beneficiary spent several months on unpaid leave creates more questions than it purports to resolve. The purported [REDACTED] letters both state that the beneficiary "was employed at," rather than *by*, [REDACTED] until "July 2006," and that "[w]hile [the beneficiary] was employed he received a monthly salary of \$1,440.00" (emphasis added). Neither of the purported [REDACTED] letters mentioned unpaid leave, or indicated that the beneficiary traveled extensively while still, on paper, an employee of [REDACTED]. The petitioner's subsequent claims about the beneficiary traveling while on extended unpaid leave appear to be *ad hoc* excuses for the lack of documentary evidence for the beneficiary's employment at [REDACTED] in 2006. [REDACTED] letter provides a better explanation for the lack of that evidence: [REDACTED] terminated the beneficiary's employment in January 2006, which would have ended his salary payments as well.

The AAO rejects out of hand counsel's unsubstantiated claim that [REDACTED] neglected to tell the beneficiary of the termination of his employment in January 2006. The unsupported assertions of counsel do not constitute evidence. See *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1, 3 n.2 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Beyond this, the claim, on its face, strains credulity, and it does not explain why a purported GMC Foundation official would later claim, twice, that the foundation employed the beneficiary "till July of 2006."

The petitioner's response to [REDACTED] letter is self-contradictory and inconsistent with the record. The AAO sees no credible reason to believe the claim that the beneficiary was unaware of his dismissal from [REDACTED] and spent the next six months traveling under the mistaken impression that he was on unpaid leave from that employer.

Because the petitioner has not satisfactorily responded to the derogatory information discussed above, the AAO will enter a finding of willful misrepresentation of a material fact. First, the petitioner submitted letters, attributed to a [REDACTED] official, that contradict correspondence that [REDACTED] sent directly to USCIS. A misrepresentation can be made to a government official in an oral interview, on the face of a written application or petition, or by submitting evidence containing false information. INS Genco Op. No. 91-39, 1991 WL 1185150 (April 30, 1991). Here, the submission of letters containing false information in support of the Form I-360 petition constitutes a false representation to a government official.

Second, the AAO finds that the petitioner willfully made the misrepresentation. [REDACTED] signed the Form I-360 petition, certifying under penalty of perjury that the petition and the submitted evidence are all true and correct. See section 287(b) of the Act, 8 U.S.C. § 1357(b); see also 8 C.F.R. § 103.2(a)(2). More specifically, the signature portion of the Form I-360, at part 9, requires the petitioner to make the following affirmation: "I certify, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it is all true and correct." On the basis of this affirmation, made under penalty of perjury, the AAO finds that the petitioner willfully and knowingly made the misrepresentation.

Similarly, the beneficiary signed Form G-325, which warned that "severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact." The beneficiary signed and submitted the Form G-325 in support of a Form I-485 adjustment application, which included the affirmation that the beneficiary worked for [REDACTED] and resided in New Jersey, until July 2006. These claims are consistent with the disputed letter attributed to [REDACTED], but not with the information that [REDACTED] directly provided to USCIS.

Third, the evidence is material to the beneficiary's eligibility. To be considered material, a false statement must be shown to have been predictably capable of affecting the decision of the decision-making body. *Kungys v. U.S.*, 485 U.S. 759 (1988). In the context of a visa petition, a misrepresented fact is material if the misrepresentation cut off a line of inquiry which is relevant to the eligibility criteria and that inquiry might well have resulted in the denial of the visa petition. See *Matter of Ng*, 17 I&N Dec. at 537.

The misrepresentation cut off a potential line of inquiry regarding the beneficiary's prior employment. That employment is directly material to the beneficiary's eligibility under the statutory provisions at section 101(a)(27)(C)(iii) of the Act, and the regulation at 8 C.F.R. § 204.5(m)(4). The AAO concludes that the petitioner's misrepresentations were material to the beneficiary's eligibility.

By filing the instant petition and submitting evidence purporting to document the beneficiary's prior employment at [REDACTED] between February and July 2006, the petitioner has sought to procure for the beneficiary a benefit provided under the Act using documents that are not what they were originally purported to be. Because the petitioner has failed to provide independent and

objective evidence to overcome, fully and persuasively, the finding that the petitioner misrepresented the nature of these documents, the AAO finds that the petitioner has willfully misrepresented a material fact.

The AAO finds that the petitioner knowingly submitted documents containing false statements, and that the beneficiary repeated the false information, in an effort to mislead USCIS and the AAO on an element material to the beneficiary's eligibility for a benefit sought under the immigration laws of the United States. *See* 18 U.S.C. §§ 1001, 1546. The AAO will enter a finding of willful misrepresentation of a material fact.

Additionally, the evidence is not credible and will not be given any weight in this proceeding. If USCIS fails to believe that a fact stated in the petition is true, USCIS may reject that fact. Section 204(b) of the Act, 8 U.S.C. § 1154(b); *see also Anetekhai v. I.N.S.*, 876 F.2d 1218, 1220 (5th Cir.1989); *Lu-Ann Bakery Shop, Inc. v. Nelson*, 705 F. Supp. 7, 10 (D.D.C. 1988); *Systronics Corp. v. INS*, 153 F. Supp. 2d 7, 15 (D.D.C. 2001).

The petitioner has claimed that the beneficiary engaged in continuous, qualifying employment for [REDACTED] until July 2006. The petitioner supported this claim with letters purporting to be from the foundation's president. Information that USCIS received directly from an official of [REDACTED] indicates that the foundation terminated the beneficiary's employment in January 2006, resulting in a disqualifying interruption in the beneficiary's religious employment and discrediting the letters attributed to the foundation's president. The petitioner's response to this derogatory information lacks credibility. The AAO concludes that the petitioner has not presented a *bona fide* claim of continuous, qualifying prior employment by the beneficiary.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden. Accordingly, for each of these reasons, the AAO will dismiss the appeal.

ORDER: The appeal is dismissed.

FURTHER ORDER: The AAO finds that the petitioner, [REDACTED], and the beneficiary, [REDACTED], willfully misrepresented information about the beneficiary's prior employment that the petitioner submitted in an effort to mislead USCIS and the AAO on an element material to the beneficiary's eligibility for a benefit sought under the immigration laws of the United States.