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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



U.S. Citizenship
and Immigration
Services



C1

DATE: **FEB 17 2012** OFFICE: CALIFORNIA SERVICE CENTER

FILE:



IN RE: Petitioner:



Beneficiary:

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:

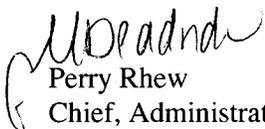


INSTRUCTIONS:

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, (“the director”) denied the employment-based immigrant visa petition on May 6, 2010. The petitioner timely filed an appeal to the denied petition. The matter is now before the Administrative Appeals Office (“AAO”) on appeal. The AAO will summarily dismiss the appeal.

The petitioner is a 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 Pastor/Minister. On February 2, 2010, the petitioner filed a Form I-360 petition. On May 6, 2010, the director denied the petition. The director found that the beneficiary did not have work authorization during the requisite two-year period and therefore that the evidence was insufficient to establish that the beneficiary had been continuously working during the two-year period immediately preceding the filing of the petition.

On appeal, counsel merely stated that, “Please see the attached letter from the Petitioner, [REDACTED] dated May 17, 2010. We will be filing a brief in the next 30 days.” Counsel dated the appeal April 29, 2010. As of this date, almost two years later, the AAO has received nothing further, and the regulation requires that any brief shall be submitted directly to the AAO. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

The AAO also reviewed the attached letter from the petitioner. In this letter, the petitioner discusses the beneficiary’s work history, stating that the beneficiary was enrolled at a Christian college and completed her master’s degree in theology in August of 2009, after which she assumed the duties of pastor of the [REDACTED] on a volunteer basis. The petitioner also submitted the beneficiary’s certificates of chaplaincy. The petitioner does not challenge the director’s finding regarding the beneficiary’s unlawful employment and merely states that it knew nothing about the previous work authorizations mentioned in the director’s decision, because “we were not a part of that petitioning process.” The petitioner did not use the facts set forth in its letter to challenge the director’s conclusion and explain how these facts show that director erred in reaching his conclusion in law or in fact. Because the letter does not explicitly explain how the director erred in law or fact in reaching his conclusion, the AAO will summarily dismiss the appeal.

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.

Counsel and the petitioner here have not specifically addressed the reasons stated for denial. The petitioner only asked that the AAO reconsider the director's decision without addressing the issues being contested on appeal. The appeal must therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.