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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: **JUN 22 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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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. 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 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 religious school teacher. On October 25, 2010, the petitioner filed a Form I-360 petition. On May 18, 2011, the director issued a Request For Evidence, to which the petitioner timely responded. On July 19, 2011, the director denied the petition, finding that the petitioner had not established that its organization qualified as a bona fide nonprofit religious organization.

On appeal, counsel merely stated that:

Petitioner’s application was denied because no letter of determination of tax exempt status was submitted and the evidence presented of the Church’s tax exempt status was therefore determined to be insufficient. Upon receipt of the denial, [REDACTED] contacted the IRS and requested a letter of tax-exempt status and has not yet received the document. Petitioner was told that the letter would arrive within 10 to 14 business days. As the deadline for appeal is approaching, petitioner is filing this appeal and requests that they be given 30 days in order to receive and forward the letter to the AAO. Thank you very much for your consideration of this matter.

Counsel checked the box indicating that a brief and/or additional evidence would be submitted to the AAO within 30 days. Counsel dated the appeal October 7, 2011. On November 21, 2011, counsel for the petitioner submitted a letter from the Internal Revenue Service stating, “we have no record of this organization having tax-exempt status under 501(a) of the Internal Revenue Code.”

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 here has not provided any additional evidence rebutting the director’s decision, and has not expressed disagreement with the director’s decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.