

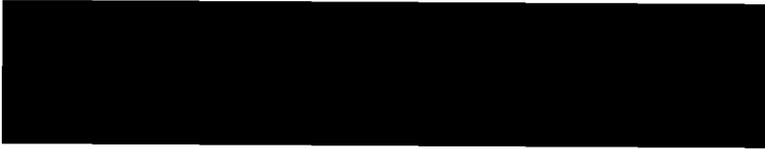
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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DATE: OFFICE: CALIFORNIA SERVICE CENTER

FILE: 

**MAR 06 2012**

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:

SELF-REPRESENTED

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,

*Elizabeth McCormack*

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the employment-based immigrant visa petition and certified the decision to the Administrative Appeals Office (AAO). The director's decision will be affirmed.

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. On November 20, 2007, the director determined that the evidence was insufficient to establish that the organization seeking the beneficiary's services qualifies as a non-profit organization and that the beneficiary has been performing work as a Pastor for the two-year period immediately preceding the filing of this petition. The director denied the petition accordingly. On December 20, 2007, the petitioner timely appealed this decision to the AAO. On December 16, 2008, the AAO remanded the matter to the director, California Service Center, for the issuance of a request for evidence, and a new decision in accordance with the requirements of the new regulation published at 72 Fed. Reg. 72276 (Nov. 26, 2008). If the new decision was adverse to the petitioner, it was to be certified to the AAO for review. On January 7, 2010, United States Citizenship and Immigration Services (USCIS) requested that the petitioner submit additional information to establish eligibility for the benefit sought. The petitioner was provided thirty (30) days to submit additional information. As of April 2, 2010, no response was received, and the director again denied the petition and certified the decision for review to the AAO. The petitioner was given thirty (30) days to submit a brief or other written statement for consideration by the AAO. To this date, the AAO has not received a brief or any supporting evidence.

The regulation at 8 C.F.R. § 103.2(b)(13) states the following: "*Effect of failure to respond to a request for evidence or appearance.* If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied." As the petitioner has failed to submit evidence in support of the petition as requested, the petition must be denied. The petitioner has failed to establish eligibility for the benefit.

The petitioner's failure to submit requested documents cannot be excused. The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. *See* 8 C.F.R. § 103.2(b)(14).

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The director's decision is affirmed. The petition is denied.