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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: **SEP 27 2012** Office: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: 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:

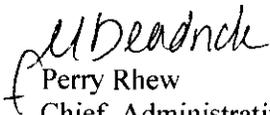
SELF-REPRESENTED

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 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 employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

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 Act, 8 U.S.C. § 1153(b)(4), to perform services as a pastor of international ministries. The director determined that the petitioner had not established that the beneficiary had worked continuously in a lawful immigration status for the two years immediately preceding the filing of the petition.

On appeal, the petitioner submits what it states are:

1. Copy of minutes from one of the [petitioner's] weekly staff meetings . . .
2. Flier for a six week bible study that [the beneficiary] taught from October-December 2009.
3. Flier of an International Outreach Conference held at [the petitioning organization] in June 2009 and August 2011.
4. Picture of [the beneficiary] performing a baptism service the Fall of 2010.

On the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, the petitioner stated that beneficiary last entered the United States in an F-1, nonimmigrant student status, which expired in May 1999. In his notarized statement of January 24, 2012, [REDACTED] the petitioner's [REDACTED] stated that the beneficiary "has served as the [REDACTED] of [the petitioning organization] since 2006. He has served on a volunteer basis . . ." The petitioner provided copies of the beneficiary's Internal Revenue Service [IRS] Form W-2, Wage and Tax Statement, for the years 2007 through 2010. The IRS Forms W-2 indicate that the beneficiary worked for [REDACTED] from 2007 to 2009, for [REDACTED] in 2009, and [REDACTED] and [REDACTED] in 2010.

The regulation at 8 C.F.R. § 204.5(m) provides that to be eligible for classification as a special immigrant religious worker, the alien must:

(4) Have been working in one of the positions described in paragraph (m)(2) of this section, either abroad or in lawful immigration status in the United States, and after the age of 14 years continuously for at least the two-year period immediately preceding the filing of the petition. The prior religious work need not correspond precisely to the type of work to be performed. 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. However, the alien must have been a member of the petitioner's denomination throughout the two years of qualifying employment.

The petitioner must therefore show that the beneficiary worked 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 petition was filed on November 2, 2011. Accordingly, the petitioner must establish that the beneficiary was continuously employed in qualifying religious work throughout the two-year period immediately preceding that date.

The director denied the petition, stating:

The record indicates that the beneficiary was admitted into the United States in F-1 status and that status expired in May 1999. Also, the beneficiary has engaged in unauthorized employment with at least three different employers since 2007.

Therefore, the evidence is insufficient to establish that the beneficiary has been performing full-time work as a Minister for at least the two-year period immediately preceding the filing of the petition in lawful immigration status.

The petitioner did not address the basis of the director's decision and submitted no additional documentation regarding the beneficiary's immigration status on appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding; therefore, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.