



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **MAY 08 2015** OFFICE: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

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

PETITION: Nonimmigrant Petition for Religious Worker Pursuant to Section 101(a)(15)(R) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(R)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg", with a long, sweeping flourish extending to the right.

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a religious organization. It filed a Form I-129, Petition for a Nonimmigrant Worker, on October 12, 2011 [REDACTED] seeking to classify the beneficiary as a nonimmigrant religious worker pursuant to section 101(a)(15)(R) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(R), to perform services as a minister. That petition was approved with validity dates of September 13, 2012 to October 15, 2013. The beneficiary's request for an extension of status, however, was denied.¹

The petitioner filed the present Form I-129 on October 7, 2013 as an amended petition seeking reconsideration of the director's previous decision denying the petitioner's extension of status.² The director stated that that the filing of an amended petition requires the petitioner to demonstrate "that there has been a material change of the beneficiary's terms of employment or a change in the beneficiary's eligibility."³ The director found that the petitioner had not provided sufficient evidence in support of the requested amended petition and denied the petition.

On appeal, the petitioner apologized "for steps missed on our part" relating to the beneficiary's "immigration paperwork" noting that the oversights were not intentional. The petitioner discussed the beneficiary's value to its ministry but did not allege error on the part of the director or identify specifically any erroneous conclusion of law or statement of fact for 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. The appeal must, therefore, be summarily dismissed.

¹ The approved petition was referred to the U.S. Consulate in [REDACTED] England. The beneficiary could have returned to [REDACTED] and sought a new visa and readmission based upon the approved petition but elected to remain in the United States and continue working for the petitioner. The petitioner asserts that the beneficiary's decision to remain in the United States was based on its misunderstanding of the petition approval notice. The petitioner states that it believed that the petition's Form I-797B approval notice permitted the beneficiary to remain in the United States. The approval notice clearly states, however, that the beneficiary is ineligible for an extension of stay and that the approval of the petition does not itself grant the beneficiary any immigration status nor does it guarantee that the beneficiary will subsequently be found eligible for a visa and readmission.

² The petitioner checked block f in Question 2, Part 2 of the present petition indicating that it was filing an amended petition. In Question 4 of Part 2, the petitioner checked block d indicating that it wished to "[a]mend the stay of each beneficiary since he, she, or they now hold this status."

³ The director quoted language from the General Filing Instructions of the Form I-129 concerning amended petitions:

Basis for Classification

f. Check this box if applying to notify USCIS of a material change in the terms or conditions of employment or training or the beneficiary's eligibility as specified in the original approved petition. Additionally, petitioner requesting H-2A or H-2B substitutions should check this box.

(b)(6)



NON-PRECEDENT DECISION

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ORDER: The appeal is summarily dismissed.