



U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File: EAC-98-112-53117 Office: Vermont Service Center Date:

DEC 11 2000

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, 8 U.S.C. 1153(b)(4)

IN BEHALF OF PETITIONER: Self-represented

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Mary C. Mulrean, Acting Director
Administrative Appeals Office

Identifying data existed to
prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The immigrant visa petition was denied by the Director, Vermont Service Center. The Associate Commissioner for Examinations dismissed an appeal from the decision. The matter is now before the Associate Commissioner on motion to reopen. The motion will be dismissed.

The petitioner seeks classification of 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 serve as a minister.

The center director denied the petition in a decision dated September 29, 1998. The Associate Commissioner dismissed an appeal from that decision finding that the petitioner had failed to establish that it made a valid job offer to the beneficiary. The Associate Commissioner also found that the petitioner had failed to establish the beneficiary's two years of continuous religious work experience or that the prospective occupation is a religious occupation. The Associate Commissioner also found that the petitioner had failed to establish that it had the ability to pay the proffered wage or that it is a qualifying, tax-exempt religious organization.

On motion, the beneficiary submitted photocopied checks.

8 C.F.R. 103.5(a)(1)(i) requires that any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen.

The appeal was dismissed in a decision dated June 7, 2000. The motion was filed on September 18, 2000. The motion was untimely filed and will be dismissed.

In addition, according to 8 C.F.R. 103.5(a)(1)(iii)(A), a motion to reopen must be filed by the affected party. In this case, the motion was filed by the beneficiary, not the petitioner. 8 C.F.R. 103.5(a)(4) further states that a motion that does not meet applicable requirements shall be dismissed. Even were the motion timely filed, it would be dismissed as failing to meet applicable requirements of a proper motion.

ORDER: The motion is dismissed.