



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



Public Copy

File:

Office: Vermont Service Center

Date: JAN 10 2000

IN RE: Petitioner:  
Beneficiary:



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:



Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Terrance M. O'Reilly, Director  
Administrative Appeals Office

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

The petitioner is an individual seeking classification 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), in order to be employed as a minister by a church.

The center director denied the petition in a decision dated August 11, 1997. The Associate Commissioner dismissed an appeal filed by the prospective employer, for lack of standing, pursuant to 8 C.F.R. 103.3(a)(2)(v)(A)(1).

In the instant matter, the prospective employer again submitted additional documentation with a filing fee requesting consideration as a motion to reopen.

The appeal was rejected. There is no provision under immigration law whereby an appellate proceeding may be reopened on motion after the appeal has been rejected for lack of standing. The prospective employer has no standing in the proceeding pertaining to the original petition filed by the alien. Therefore, the motion to reopen must be dismissed. The petitioner or the church are free to file a new petition without prejudice.

**ORDER:** The motion is dismissed.