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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: APR 12 2004
EAC 01 211 52647

IN RE: Petitioner:
Beneficiary: [redacted]

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

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

Elizabeth O'Brien
Robert P. Wiemann, Director
Administrative Appeals Office

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. A motion to reopen and reconsider was also dismissed as untimely filed. The matter is again before the AAO on a second motion to reconsider. The motion to reconsider will be dismissed.

The petitioner seeks to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in the arts. The director determined that the petitioner had not established that the beneficiary has earned the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability. With the current motion, the petitioner seeks to change the visa classification to that of health care giver.

A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Citizenship and Immigration Services (CIS) policy. 8 C.F.R. § 103.5(a)(3). A request for change of classification will not be entertained for a petition that has already been denied, because a petitioner is not entitled to multiple adjudications and decisions for a single petition with a single fee. If the petitioner wishes to employ the beneficiary under a different immigrant visa classification, the petitioner must file a new Form I-140, Immigrant Petition for Alien Worker, with the appropriate fee and all required supporting documentation in order to establish the beneficiary's eligibility under that classification.

The petitioner is advised that if he seeks to file any further motions in this case, he must demonstrate that the AAO erred in dismissing the motions and the appeal, and that the director erred in denying the petition. The petitioner must also show that the petition was amenable to approval as of the day it was filed. Any motion that does not address all of these points will be considered frivolous and will be dismissed.

For the above reasons, the petitioner's submission does not meet the requirements for a motion to reconsider, and therefore the motion must be dismissed.

ORDER: The motion is dismissed.