U.S. Department of Justice

Immigration and Naturalization Service

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

C1

[redacted] Public Copy

File: [redacted] Office: Vermont Service Center Date: AUG 1 2001

IN RE: Petitioner:
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)

IN BEHALF OF PETITIONER: [redacted]

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.

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

Mysa L. Rosenberg

for Robert P. Wiemann, Acting Director
Administrative Appeals Office

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

The petitioner is a church. It 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), in order to employ her as a "permanent teacher."

The Form I-360 petition for special immigrant classification was filed on September 22, 1997, and was denied on its merits in a decision dated February 10, 1998.

In a decision dated March 31, 1999, the Associate Commissioner summarily dismissed an appeal due to failure to timely submit a brief pursuant to 8 C.F.R. 103.3(a)(1)(v). The petitioner filed a motion seeking to reopen the adjudication of the underlying petition which was dismissed on June 12, 2000 on the grounds that it did not meet the requirements of a motion pursuant to 8 C.F.R. 103.5(a)(4).

By the instant motion to reopen, counsel again seeks to reopen the adjudication of the underlying petition. The thirty-day appeal period for the original denial of February 10, 1998 has lapsed. Counsel did not challenge the Associate Commissioner's rejection of the prior motion. As the instant motion again does not meet the applicable requirements of a motion to reopen, it also must be dismissed.

The petitioner is free to file a new petition without prejudice.

ORDER: The motion is dismissed.