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U.S. Department of Justice
Immigration and Naturalization Service

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
DIVISION OF ADMINISTRATIVE APPEALS

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



FILE: EAC00 108 53137 Office: Vermont Service Center

Date: 2 - MAR 1998

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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

IN BEHALF OF APPLICANT: Self-represented

ADDED STAMP

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

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The petition was denied by the Director, Vermont Service Center, and a subsequent appeal was dismissed by the Associate Commissioner for Examinations. The matter is now before the Associate Commissioner on a motion to reopen. The motion will be dismissed, and the order dismissing the appeal will be affirmed.

The petitioner seeks classification as an employment-based immigrant under 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. The director determined that the petitioner had failed to establish the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, the petitioner requested a change of his nonimmigrant classification from F-1 nonimmigrant student to R-1 religious worker. The director informed the petitioner that such a request can be made by filing Form I-129, Petition for Nonimmigrant Worker, with the appropriate Service Center, but there is no provision in the statute, regulation, or case law which permits a petitioner to change the classification of a petition once a decision has been rendered. The Associate Commissioner noted that the petitioner failed to address the reasons stated in the denial and summarily dismissed the appeal.

On motion, the petitioner states again that he wishes to change his F-1 nonimmigrant status to R-1. He asserts that he is now working as the associate pastor at the Korean Presbyterian Church in Greater Boston and submits a letter from the senior pastor of that church.

8 C.F.R. 103.5(a)(2) provides that a motion to reopen must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence.

8 C.F.R. 103.5(a)(3) provides that a motion to reconsider must state the reasons for reconsideration; and be supported by any pertinent precedent decisions.

8 C.F.R. 103.5(a)(4) provides that a motion which does not meet applicable requirements shall be dismissed.

The present motion fails to meet the applicable requirements and will be dismissed.

ORDER: The motion is dismissed.