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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



Public Copy

File: [Redacted]

Office: Vermont Service Center

Date: 18 SEP 2001

IN RE: Petitioner:
Beneficiary:



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: Self-represented

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

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

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

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 for him to serve as a minister.

The Form I-360 petition for special immigrant classification was filed on May 16, 1996, and was denied on its merits in a decision dated August 6, 1996.

The petitioner filed a timely appeal. In a decision dated August 27, 1997, the Associate Commissioner determined that the petitioner failed to overcome the grounds for denial and dismissed the appeal.

A subsequent motion to reopen was filed by counsel for the beneficiary and was rejected due to the lack of standing of the beneficiary pursuant to 8 C.F.R. 103.3(2)(v).

Counsel for the beneficiary now files a second motion to reopen. As held in the previous decision, neither the beneficiary nor his counsel has standing in this proceeding.

8 C.F.R. 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and sections 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. (emphasis added.)

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

ORDER: The motion is rejected.