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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



Identifying data deleted to
prevent clearly unwarranted
disclosure of personal privacy

File:

Office: Texas Service Center

Date: JAN 03 2002

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

Public Copy

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, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was initially approved by the Director, Texas Service Center. It was subsequently revoked by the District Director, San Antonio, Texas. The Associate Commissioner for Examinations dismissed an appeal from the decision. The matter is now before the Associate Commissioner on motion to reopen and/or reconsider. The motion will be rejected.

Any motion to reopen or reconsider must be filed by the petitioner within 30 days of the decision that the motion seeks to reopen or reconsider. 8 C.F.R. 103.5(a)(1)(i).

The appeal was dismissed in a decision dated October 26, 1999. In the brief on motion, counsel asserted that he was not properly served with a copy of the notice of decision at his new address which was provided to the Service. Counsel stated that he did not receive a copy of the decision until November 10, 1999, when advised by the petitioner. Counsel requested that the motion be considered timely through December 10, 1999. The motion was filed on May 2, 2000.

The reasons for the delay in filing the instant motion are not explained by counsel. The original brief is dated December 6, 1999, but its cover letter is dated May 2, 2000. Nevertheless, the motion is untimely filed and will be rejected.

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

ORDER: The motion is rejected.