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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

JUL 09 2004  
Date:

IN RE:

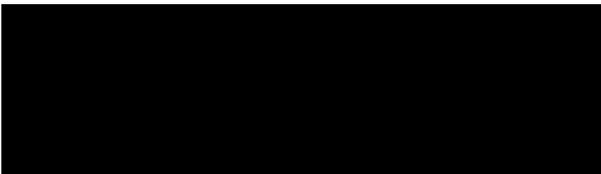
Petitioner:

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)

ON BEHALF OF PETITIONER:



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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reconsider and reconsider. The motion will be dismissed.

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 motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

On motion, the petitioner asserts that the basis of its appeal is a misapplication of the law, abuse of discretion, violation of the Administrative Procedures Act, "and any other grounds evident after a review of the new evidence to be submitted." The petitioner states that the Manual of the Church of the Nazarene recognizes a call to the ministry before academic preparation and that it would present evidence of the "universal priesthood of the church." On the Form I-290B, Notice of appeal to the Administrative Appeals Unit, the petitioner stated that it would be sending a brief and/or other evidence within 30 days. The regulations do not provide for the extension of time within which to submit additional documentation in support of a motion, but require the motion to be supported by documentary evidence when filed. 8 C.F.R. § 103.5(a)(2). Notwithstanding this requirement, as of the date of this decision, more than ten months after the motion was filed, no further documentation has been received by the AAO.

As the petitioner failed to present new facts supported by documentary evidence in its motion to reopen, or to cite any precedent decisions in support of its motion to reconsider and does not argue that the previous decisions were based on an incorrect application of law or CIS policy, the petitioner's motion will be dismissed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. 8 C.F.R. § 103.5(a)(4) states that "[a] motion that does not meet applicable requirements shall be dismissed." Accordingly, the motion will be dismissed, the proceedings will not be reopened, and the previous decisions of the director and the AAO will not be disturbed.

**ORDER:** The motion is dismissed.