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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



**U.S. Citizenship  
and Immigration  
Services**

[REDACTED]

FILE:

[REDACTED]

Office: NEBRASKA SERVICE CENTER

Date: **JUL 23 2004**

LIN01 087 50727

IN RE:

Petitioner:  
Beneficiary:

[REDACTED]

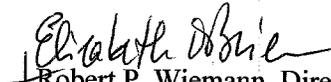
PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

[REDACTED]

**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 Director, Nebraska Service Center, denied the immigrant visa petition. The petitioner appealed the director's decision to the Administrative Appeals Office (AAO). The AAO dismissed the appeal on June 28, 2002. The petitioner filed a motion to reopen and reconsider that the AAO rejected as untimely filed on March 31, 2003. The petitioner filed a subsequent motion to reconsider. On August 19, 2003, the AAO granted the motion and affirmed the AAO's prior decision. The matter is now before the AAO on a third motion to reconsider. The motion will be dismissed as untimely filed.

In order to properly file a motion, the regulation at 8 C.F.R. § 105(a)(1)(i) provides that the motion to reopen and/or reconsider must be filed within 30 days of the decision that the motion seeks to reopen. If the decision is served by mail, three days are added to the prescribed period. *See* 8 C.F.R. § 103.5a(b).

The record indicates that the AAO issued the decision on August 19, 2003. The motion was received by CIS on September 23, 2003, or 35 days after the decision was issued. Accordingly, the motion was untimely filed.

As the motion was untimely filed, the motion must be dismissed.

**ORDER:** The motion is dismissed.