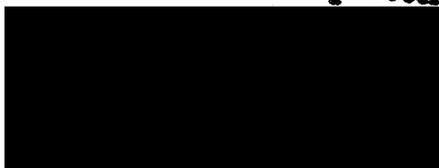


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U.S. Department of Homeland Security  
Bureau of Citizenship and Immigration Services

**Identifying data deleted to  
prevent unwarranted  
invasion of personal privacy**

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



File: EAC 00 215 51852 Office: VERMONT SERVICE CENTER Date: **406 2 6 2003**

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:



**PUBLIC COPY**

**INSTRUCTIONS:**

This is the decision 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.

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 that 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 Bureau of Citizenship and Immigration Services (Bureau) 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 that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director  
Administrative Appeals Office

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

The petitioner 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 to employ him as a lay evangelical minister at a salary of \$1,500 per month.

The petitioner is represented by counsel who submitted a duly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative.

The petitioner filed the Form I-360 visa petition on June 29, 2000. The director denied the petition in a decision dated July 27, 2001, finding that the petitioner failed to establish that the beneficiary had two years of continuous experience in a religious occupation.

The petitioner, through counsel, subsequently filed a Notice of Appeal (Form I-290B) from the director's decision. The AAO summarily dismissed the appeal in a decision dated March 4, 2002.

Counsel for the petitioner now files a motion to reconsider the proceeding.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) states that any motion to reconsider an action filed by an applicant or petitioner must be filed within 30 days of the decision that the motion seeks to reconsider.

Th appeal was dismissed in a decision dated March 4, 2002. The motion to reconsider was filed on April 8, 2002. The motion to reconsider was untimely filed and, therefore, will be dismissed.

**ORDER:** The motion is dismissed.