

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

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



File: LIN 01 087 50727

Office: NEBRASKA SERVICE CENTER Date:

MAR 31 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)

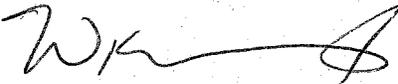
ON BEHALF OF PETITIONER:



**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 that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, Nebraska Service Center. An appeal was dismissed by the Administrative Appeals Office (AAO). The matter is again before the AAO on motion to reopen and reconsider. The motion will be rejected.

The petitioner is a church. It seeks classification of the beneficiary as a special immigrant minister 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 pastor of its Arabic fellowship at an undisclosed rate of remuneration.

The petitioner filed the Form I-360 visa petition on January 22, 2001. The petitioner is represented by counsel who submitted a duly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative. The petition was denied on its merits by the director on July 25, 2001. The petitioner, through counsel, filed a Form I-290B Notice of Appeal from the decision with a written brief and additional documentation. The appeal was dismissed by the AAO on June 28, 2002.

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

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 June 28, 2002. The motion was filed on August 21, 2002. The motion was untimely filed and must be rejected.

ORDER: The motion is rejected.