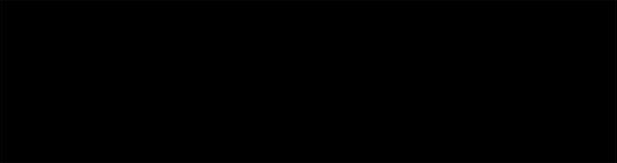


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U.S. Citizenship
and Immigration
Services

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



FILE: [REDACTED]
EAC 98 101 51608

Office: VERMONT SERVICE CENTER

Date: JUL 28 2004

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

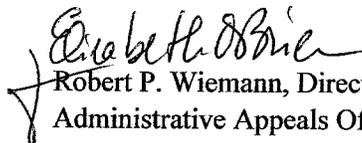
PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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, Vermont 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 May 24, 2000. The petitioner filed a motion to reopen and reconsider that was dismissed by the AAO on July 30, 2001. The petitioner filed a second motion to reopen and reconsider on August 28, 2003. 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 its last decision on July 30, 2001. The instant motion was received by CIS on August 28, 2003, more than two years 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.