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U.S. Citizenship  
and Immigration  
Services

CI



FILE: EAC 01 177 55526 Office: VERMONT SERVICE CENTER Date JUL 28 2004

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

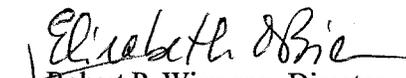
PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

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 immigrant visa petition was denied by the Director, Vermont Service Center. In a decision dated September 4, 2003, the Administrative Appeals Office (AAO) withdrew the director's decision and remanded the petition to the director for further action. On November 18, 2003, the director issued a request for evidence to the petitioner consistent with the decision of the AAO. On September 21, 2003, the petitioner filed a motion to reconsider the AAO's decision. The motion will be rejected.

The petitioner is a mosque, seeking 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 her as a religious teacher.

The petitioner filed a Form I-360 petition for special immigrant classification on April 25, 2001. The director denied the petition, finding that the petitioner had filed at least 150 petitions offering full-time religious work to foreign religious workers, whereas the petitioner's membership consists of only 400 families. The petitioner appealed the director's decision, stating that the number of its full-time employees had been gradually increasing due to the rapidly growing needs of the Muslim community. The AAO withdrew the director's decision and remanded the petition for further action. On motion to reopen and reconsider, the petitioner states that it wishes to submit additional evidence once it has had the opportunity to review the beneficiary's file with Citizenship and Immigration Services (CIS).

The petitioner should have submitted any evidence in support of its petition in response to the director's request for evidence dated November 18, 2003. The instant motion must be rejected because the AAO lacks jurisdiction to consider the motion in the absence of a director's decision. This case is still pending before the director.

**ORDER:** The motion is rejected.