



U.S. Citizenship
and Immigration
Services

01

[REDACTED]

JUL 28 2004

FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date:
EAC 01 143 50045

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

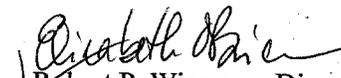
PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

[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

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prevent clearly unwarranted
invasion of personal privacy**

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

The petitioner 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).

The petitioner filed the Form I-360 visa petition on April 11, 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 March 29, 2002. 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 August 20, 2003.

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 August 20, 2003. The motion was filed on October 15, 2003, more than 55 days after the decision. The motion was untimely filed and must be dismissed.

ORDER: The motion is dismissed.