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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**

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FILE: [Redacted] Office: TEXAS SERVICE CENTER Date: **SEP 23 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:



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.

Mari Johnson

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The petitioner submitted an appeal of the AAO's decision to the Board of Immigration Appeals (BIA). However, the BIA has no jurisdiction over AAO decisions. 8 C.F.R. § 1003.1(b). Therefore, based on the petitioner's statement that the AAO decision "was error [sic]," the petitioner's appeal to the BIA, filed with the Texas Service Center, is deemed to be a motion for reconsideration of the AAO's decision. As the AAO made the last decision in the proceeding, it has jurisdiction over the motion. 8 C.F.R. § 103.5(a)(1)(ii). The motion will be dismissed.

A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Citizenship and Immigration Services (CIS) policy. 8 C.F.R. § 103.5(a)(3).

Counsel indicated on the Form EOIR-29, Notice of Appeal to the Board of Immigration Appeals from a Decision of an INS Officer, that he intended to file a separate brief or statement with the Notice of Appeal. However, as of the date of this decision, more than two months after the Form EOIR-29 was filed, no further documentation has been received by the AAO.

As the petitioner failed to cite any precedent decisions in support of a motion to reconsider and does not argue that the previous decisions were based on an incorrect application of law or CIS policy, the petitioner's motion will be dismissed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. 8 C.F.R. § 103.5(a)(4) states that "[a] motion that does not meet applicable requirements shall be dismissed." Accordingly, the motion will be dismissed, the proceedings will not be reopened, and the previous decisions of the director and the AAO will not be disturbed.

ORDER: The motion is dismissed.