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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

C1

[redacted]

FILE: EAC 01 082 50754 Office: VERMONT SERVICE CENTER Date: JAN 21 2005

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant 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. The matter came before the Administrative Appeals Office (AAO) on appeal. The appeal was summarily dismissed. The AAO reopened the proceeding on the petitioner's motion, withdrew the summary dismissal, and dismissed the appeal on its merits. The petitioner has filed a second motion to reopen. The motion will be dismissed.

The petitioner is a mosque. It seeks to classify 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), to perform services as an imam. The director determined that the petitioner had not established that the beneficiary had the requisite two years of continuous work experience as an imam§ immediately preceding the filing date of the petition. In addition, the director determined that the petitioner had not established that it had made a qualifying job offer to the beneficiary.

On motion, [redacted][1] director of the petitioning mosque, asserts that the petitioner has requested a copy of the record of proceeding, and that further evidence may be forthcoming after the petitioner receives that copy of the record.

The regulation at 8 C.F.R. § 103.3(a)(2)(vii) allows for limited circumstances in which a petitioner can supplement an already-submitted appeal. This regulation, however, applies only to appeals, and not to motions to reopen or reconsider. There is no analogous regulation that allows a petitioner to submit new evidence in furtherance of a previously filed motion. The motion is a one-time submission that must be complete at the time of filing. While the petitioner has the right to request a copy of the record under the Freedom of Information Act, the filing of such a request does not restrain the AAO from issuing a decision.

A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). 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 Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3). A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

Here, the petitioner has stated no new facts, submitted no new evidence, and cited no reasons for reconsideration. The petitioner states only that further information may be forthcoming at some future time. The petitioner's filing does not meet the regulatory requirements of a motion to reopen or a motion to reconsider. Therefore, pursuant to 8 C.F.R. § 103.5(a)(4), it must be dismissed.

ORDER: The motion is dismissed.

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[1] We note that [redacted] was convicted on September 23, 2004, on eight counts relating to the petitioner's submission of hundreds of fraudulent religious worker petitions.