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U.S. Department of Homeland Security
Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, DC 20536



FILE: EAC 01 221 53996 Office: Vermont Service Center

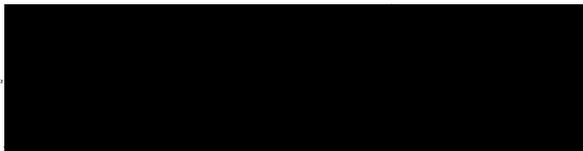
Date: OCT 23 2003

IN RE: Petitioner:
Beneficiary:



APPLICATION: Application for Change of Nonimmigrant Status Pursuant to 8 C.F.R. § 248.3(a)

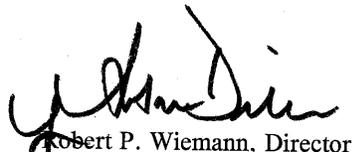
ON BEHALF OF APPLICANT:



PUBLIC COPY

INSTRUCTIONS:

This is the decision 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 petition for a nonimmigrant worker was filed as an application for a change of the applicant's status in the United States to that of an R-1 Religious Worker, pursuant to 8 C.F.R. § 248.3(a). The application was denied by the Director, Vermont Service Center, on March 4, 2002. In a subsequent motion to reopen, the director affirmed his previous decision. Counsel for the petitioner filed an appeal that was rejected by the Administrative Appeals Office (AAO) on February 28, 2003. The matter is now before the AAO on motion. The motion to reconsider will be rejected.

The regulation at 8 C.F.R. § 103.5(a)(6) states:

Appeal to AAO from Service decision made as a result of a motion. A field office decision made as a result of a motion may be appealed to the AAO only if the original decision was appealable to the AAO.

The director's original decision dated March 4, 2002 was not appealable to the AAO. 8 C.F.R. § 248.3 (g). The regulation cited above precludes the AAO from considering any motion that is filed pursuant to the denial of an application to change a nonimmigrant status. Accordingly, the motion will be rejected.

ORDER: The motion to reconsider is rejected.