U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

C1

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date:
EAC 01 230 51435

IN RE: Petitioner: [redacted]
Beneficiary:

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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

DISCUSSION: The Director, Vermont Service Center, denied the immigrant visa petition in a decision dated September 23, 2002. The Administrative Appeals Office (AAO) dismissed an appeal on November 19, 2003. The matter is now before the AAO on a motion to reopen and to reconsider. The motion will be dismissed as untimely filed.

In order to properly file a motion, the regulation at 8 C.F.R. § 105(a)(1)(i) provides that the affected party must file the complete appeal within 30 days after service of the unfavorable decision. If the decision was mailed, the motion must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b).

The record indicates that the AAO issued the decision on November 19, 2003. It is noted that the AAO properly gave notice to the petitioner that it had 30 days to file a motion. The motion to reopen and/or reconsider was filed and received by Citizenship and Immigration Services (CIS) on December 27, 2003, or 38 days after the decision was issued. Accordingly, the motion was untimely filed.

As the motion was untimely filed, the motion must be dismissed.

ORDER: The motion is dismissed.

080204/AAODKL01/I/A95 849 210.eb4.mo1