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

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: JUN 1 4 2004

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:

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. An appeal and subsequent motion to reopen were dismissed by the Administrative Appeals Office (AAO). The matter is again before the AAO on a motion to reopen. The motion will be dismissed.

The petitioner is a church. It seeks classification of 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), in order to employ her as a catechist.

The AAO dismissed the petitioner's previous motion to reopen after rejecting the petitioner's argument that the beneficiary qualifies for special immigrant religious worker status based on her full-time volunteer work. The AAO further determined that the petitioner had failed to demonstrate that the prior decision was an incorrect application of law and additionally failed to present new evidence that was not previously unavailable.

In support of the instant motion to reopen, the petitioner now argues that the petitioner was, in fact, paid for her previous work. Specifically, the petitioner states:

> [The beneficiary] worked as a Catechist at Saint Anthony's Parish in Sokolka, Poland for nine years for which she was paid. She continuously worked in a religious occupation in Poland from September 1, 1987 to October 31, 1996.
>
> In November 1996 she started to work as a Catechist in our Parish and she was compensated for her work, with room and board.
>
> I have not presented this evidence before because I didn't know that it was necessary, because it was room and board and not a regular salary.

The petitioner's claims are not supported by any tangible evidence to support the petitioner's claim of payment in the form of room and board. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

Moreover, the petitioner's claim that it failed to argue it did in fact compensate the beneficiary in the form of room and board because the petitioner did not know it was "necessary" is not credible. The issue of compensation was specifically mentioned in the director's decision, in the AAO's original decision, and in the AAO dismissal of the prior motion to reopen. For the petitioner to now claim that it "didn't know that [evidence of compensation] was necessary" is not plausible. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

According to 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. In order to prevail on a motion to reopen, the petitioner must establish that the new facts and/or evidence presented were unavailable at the time the prior decision was issued. *Id.*

In accordance with 8 C.F.R. § 103.5(a)(4), a motion that does not meet applicable requirements shall be dismissed.

The statements and letters submitted in conjunction with the instant motion are not considered new evidence that was previously unavailable. Without new evidence to be considered, the petitioner essentially seeks a readjudication of the underlying petition. There is no provision for such an adjudication on a motion to reopen.

As the petitioner has failed to establish that this filing meets the applicable requirements of a motion to reopen, it must be dismissed.

ORDER: The motion is dismissed.