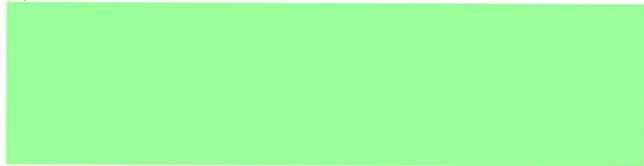




U.S. Citizenship
and Immigration
Services

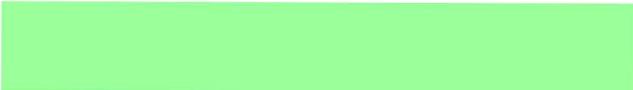
(b)(6)



Date: **OCT 03 2013**

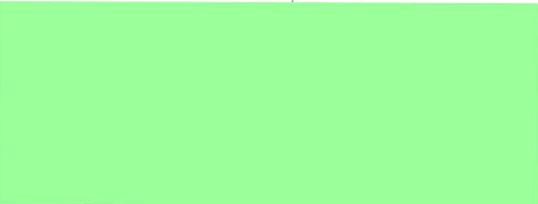
Office: CALIFORNIA SERVICE CENTER

FILE: 


IN RE: Petitioner: 
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:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition. The Administrative Appeals Office (AAO) remanded the matter to the director for issuance of a new decision. The director again denied the petition and certified the decision to the AAO for review. The AAO affirmed the denial of the petition. The matter is now before the AAO on a motion to reconsider. The motion will be dismissed.

The petitioner is a Roman Catholic religious order. 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 "extraordinary minister of the Sacrament/Liturgical director/Sacristan. The director determined that the petitioner failed to establish how it intends to compensate the beneficiary. The AAO, in its February 4, 2013 decision, agreed with the director's determination. The petitioner has filed a motion seeking to reconsider the AAO's decision.

In order to properly file a motion, the regulation at 8 C.F.R. § 103.5(a)(1)(i) provides that the affected party or the attorney or representative of record must file the motion within 30 days of service of the unfavorable decision. If the decision was mailed, the motion must be filed within 33 days. See 8 C.F.R. § 103.8(b). The regulation at 8 C.F.R. § 103.2(a)(7)(i) states that "[a] benefit request which is not signed and submitted with the correct fee(s) will be rejected," and 8 C.F.R. § 103.2(a)(7)(iii) provides that "[a] benefit request which is rejected will not retain a filing date."

The record indicates that the AAO issued its decision dismissing the appeal on February 4, 2013. The AAO gave notice to the petitioner that it had 30 days to file a motion to reconsider or a motion to reopen, and that the specific requirements could be found at 8 C.F.R. § 103.5.

Although the petitioner initially attempted to submit the Form I-290B on March 4, 2013, USCIS rejected the form for lack of signature in the signature block. The petitioner subsequently filed a signed Form I-290B and it was received by USCIS on March 19, 2013, or 43 days after the decision was issued. Accordingly, the motion was untimely filed.

ORDER: The motion to reconsider is dismissed, the decision of the AAO dated February 4, 2013 is affirmed, and the petition remains denied.