

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



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DATE: DEC 20 2012

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 in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition for abandonment, granted the petitioner's motion to reopen, and denied the petition a second time on its merits. The Administrative Appeals Office (AAO) dismissed the appeal. The matter is now before the AAO on a motion to reconsider. The AAO will dismiss the motion.

The petitioner is a church organization based in the Bronx, New York. 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 a minister at a subsidiary congregation in Hazelton, Pennsylvania. Based in part on a compliance review inspection, the director determined that the petitioner had not established how it intends to compensate the beneficiary, or that the beneficiary had the required two years of continuous, qualifying work experience immediately preceding the filing date of the petition.

The petitioner filed the Form I-360 petition on May 9, 2007. A USCIS officer conducted the compliance review in February and March 2010. The director issued a notice of intent to deny the petition on April 1, 2010, and the petitioner submitted a timely response. The director denied the petition on August 19, 2010, and the AAO dismissed the appeal on May 9, 2012.

On motion, the petitioner submits a statement from [REDACTED] bishop of the petitioning organization. In this statement, [REDACTED] repeats prior assertions and claims. For example, the denial of the petition rested, in part, on information that indicated the beneficiary was working at a pharmaceutical company. On motion, [REDACTED] states that the beneficiary "was just visiting the pharmaceutical company in order to recruit new church members and to spread the gospel." The petitioner had previously submitted the beneficiary's statement containing this same claim; the AAO addressed that statement in its previous decision. To repeat the same claim adds nothing of substance to the record, and does not show that the AAO's previous decision was in error.

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 USCIS 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 to reconsider is not a process by which a party may submit, in essence, the same brief presented on appeal and seek reconsideration by generally alleging error in the prior decision. *Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006). Instead, the moving party must specify the factual and legal issues raised on appeal that were decided in error or overlooked in the initial decision or must show how a change in law materially affects the prior decision. *Id.* at 60.

The petitioner, on motion, submits what is basically a list of claimed qualifying factors and purported explanations for prior findings. A statement of this kind does not state the reasons for reconsideration or establish that the AAO's decision was incorrect based on the evidence of record at the time of the AAO's initial decision. Therefore, the motion does not meet the requirements of a motion to reconsider, and the AAO must dismiss the motion under the regulation at 8 C.F.R. § 103.5(a)(4).

ORDER: The motion is dismissed.