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

(b)(6)

DATE: MAR 20 2014 OFFICE: CALIFORNIA SERVICE CENTER

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:

SELF-REPRESENTED

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 petitioner appealed the decision to the Administrative Appeals Office (AAO), which remanded the petition to the director for a new decision based on revised regulations. The director again denied the petition and certified the decision to the AAO, which affirmed the director's decision in part. The petitioner filed a motion to reconsider, which the AAO dismissed. The matter is now before the AAO on a second motion to reconsider. The AAO will dismiss the motion.

The petitioner is a Christian church of the Southern Baptist denomination. It filed the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, on July 26, 2006, seeking to classify the beneficiary as a special immigrant religious worker under section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), to perform services as a religious instructor. The director denied the petition on March 11, 2010, having determined that the petitioner had not established that the beneficiary had the required two years of continuous, qualifying work experience immediately preceding the filing date of the petition, and that the Southern Baptist denomination recognizes the beneficiary's position as a religious occupation. In its decision of January 30, 2013, the AAO withdrew the director's first finding but affirmed the second and found that the petition was not approvable. The AAO then dismissed the petitioner's first motion to reconsider on October 8, 2013.

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 U.S. Citizenship and Immigration Services (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 that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

The present motion consists of a four-page statement by [redacted] senior pastor of the petitioning church. The petitioner dated this statement November 1, 2013, but review of the statement shows that it is nearly identical to a previous statement, dated February 22, 2013, that the petitioner had submitted in its prior motion.

[redacted] executed the February 22, 2013 statement in response to the AAO's decision of January 30, 2013. The AAO addressed that statement in its subsequent decision of October 8, 2013. The newly dated statement does not address or overcome the AAO's October 2013 decision. The petitioner cannot prolong the proceeding indefinitely by repeating claims that the AAO has already addressed and rebutted, and the resubmission of a prior statement is not grounds for reconsideration.

The statements submitted with the respective motion addressed three main points. The first point relates to the AAO's comment, in an introductory paragraph, that "the beneficiary's title has changed repeatedly over the course of this proceeding." [redacted] disputes this statement, asserting that he consistently referred to the beneficiary as a "Religious Instructor."

In its October 2013 decision, the AAO listed several documents, signed by [redacted], referring to the beneficiary by several titles, including "Minister of Education," "Director of Children's

Department," "Director of Christian Education," and "Church Office Secretary." In a March 20, 2010 letter, specified that he sought to employ the beneficiary to "assist him not only [in] the children's and education ministries but also church administration and office works." Also in the October 2013 decision, the AAO observed that the change of titles was not a ground for denial of the petition. Therefore, the petitioner's disputation of this point is not grounds for reconsideration.

The second issue that the petitioner raised in both motions was the director's finding that "the petitioner had not established that the beneficiary had the required two years of continuous, qualifying work experience immediately preceding the filing date of the petition." It is in this context that adds a sentence to the previous motion statement: "I believe that [the] Administrative Appeals Office (AAO) made the second issue on purpose to deny this case." It was the director, not the AAO, who made the determination regarding the beneficiary's past employment. As noted in the AAO's October 2013 decision, "[t]he AAO withdrew that ground in its January 2013 decision, and found in the petitioner's favor." Because the AAO has already withdrawn the director's finding relating to this issue, the petitioner's revival of the same issue on motion does not establish adjudicative error that would warrant reconsideration.

The third issue identified on motion is the only one that relates to an AAO-affirmed ground for denial. The director and the AAO both found that the petitioner had not established that the Southern Baptist denomination recognized the beneficiary's position as a religious occupation as required by the USCIS regulation at 8 C.F.R. § 204.5(m)(5). Repeating his assertion from the first motion, states:

> I submitted all evidences issued by the Southern Baptist denomination to prove the Southern Baptist denomination recognizes The beneficiary's Position as a Religious Occupation on December 11, 2006 to USCIS California Services [*sic*] Center. But USCIS did not accept and consider all evidences issued by the Southern Baptist denomination to prove the Southern Baptist denomination recognizes The beneficiary's Position as a Religious Occupation as affordable evidence.

The record shows that the petitioner had not submitted any documentation from, or relating to, the or other denominational authorities. The director issued a request for evidence, instructing the petitioner to submit evidence regarding the beneficiary's occupation, but the petitioner's response consisted only of Internal Revenue Service documents relating to the beneficiary's compensation. On this basis alone, the petition may not be approved. Failure to submit requested evidence which precludes a material line of inquiry shall be grounds for denying the benefit request. 8 C.F.R. § 103.2(b)(14).

in the latest motion, repeats the claim that the petitioner submitted the required documentation, but he does not identify the evidence he claims to have submitted, and he does not address the AAO's response from the first time made the same claim. Repetition of an unsupported claim is not grounds for reconsideration of the AAO's prior decision.

Because the latest motion does not address the decision for which the petitioner seeks reconsideration, the petitioner has not stated the reasons for reconsideration or establish that the AAO's decision was incorrect based on the evidence of record at the time of that decision. Therefore, the petitioner's latest motion does not meet the requirements of a motion to reconsider under 8 C.F.R. § 103.5(a)(3), and as such the regulation at 8 C.F.R. § 103.5(a)(4) requires dismissal of the motion.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has not met that burden.

ORDER: The motion is dismissed.