



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 20815476

Date: JUL. 15, 2022

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant

The Petitioner, a church, seeks to classify the Beneficiary as a special immigrant religious worker to perform services as a religious instructor. *See* Immigration and Nationality Act (the Act) Section 203(b)(4), 8 U.S.C. § 1153(b)(4). This immigrant classification allows non-profit religious organizations, or their affiliates, to employ foreign nationals as ministers, in religious vocations, or in religious occupations in the United States. *See* Section 101(a)(27)(C)(ii) of the Act, 8 U.S.C. § 1101(a)(27)(C)(ii).

The Director of the California Service Center denied the petition after we remanded the matter for a new decision. The Chief determined that the position the Petitioner offered to the Beneficiary did not qualify as a “religious occupation,” as defined under 8 C.F.R. § 204.5(m)(5) (2008). We dismissed the subsequent appeal, explaining that the Petitioner did not show that the proposed position of religious instructor is recognized as a religious occupation within the Southern Baptist denomination, the denomination to which the Petitioner claims to belong. We then dismissed the Petitioner’s seven motion filings.¹

The matter is now before us on the eighth motion filing. The Petitioner files combined motions to reconsider and reopen the proceeding. It submits: (1) a November 2021 letter from its senior pastor that contains multiple paragraphs that are identical to paragraphs in his earlier letters; (2) a November 2021 letter from the president of the Council of Korean Churches in [redacted] Texas; (3) an undated letter from the Beneficiary’s son, documents relating to his academic achievements, extracurricular activities, and community services; and (4) pictures of the Beneficiary’s son and members of the petitioning organization.

Upon review, we will dismiss the Petitioner’s combined motions.

I. LAW

Foreign nationals who perform full-time, compensated religious work as ministers, in religious vocations, or in religious occupations for non-profit religious organizations in the United States may be classified as special immigrant religious workers. *See generally* Section 203(b)(4) of the Act

¹ Our most recent decision in this matter was issued on October 28, 2021.

(providing classification to qualified special immigrant religious workers as described in Section 101(a)(27)(C)(ii) of the Act).

In addition, a motion to reconsider is based on an incorrect application of law or policy, and a motion to reopen is based on documentary evidence of new facts. The requirements of a motion to reconsider are located at 8 C.F.R. § 103.5(a)(3), and the requirements of a motion to reopen are located at 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

II. ANALYSIS

We will dismiss the Petitioner's motion to reconsider the matter because it has not "state[d] the reasons for reconsideration" or "establish[ed] that [our previous] decision was based on an incorrect application of law or [U.S. Citizenship and Immigration Services (USCIS) or Department of Homeland Security] policy." 8 C.F.R. § 103.5(a)(3). The Petitioner's latest motion filing does not reference our last decision or address our finding that it failed to establish that the offered position is recognized by the denomination as a religious occupation. *See* 8 C.F.R. § 204.5(m)(5) (defining "religious occupation"). The motion filing also does not discuss or resolve inconsistencies we noted in our previous decisions regarding the offered position's title, duties, and schedule. *See Matter of Izummi*, 22 I&N Dec. 169, 175 (Assoc. Comm'r 1998) (noting "a petitioner may not make material changes to a petition that has already been filed in an effort to make an apparently deficient petition conform to [USCIS] requirements"). Instead, the Petitioner claims on motion (through the November 2021 letter from its senior pastor), as it did in previous filings, that the Beneficiary has been continuing her services for the petitioning entity and that her family members have been negatively impacted due to the denial of the petition. None of these statements or related documentation demonstrates that "[our previous] decision was incorrect based on the evidence of record at the time of [our prior] decision." 8 C.F.R. § 103.5(a)(3). As such, we will dismiss the motion to reconsider the matter.

We will also dismiss the Petitioner's motion to reopen the proceeding because it has not "state[d] the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence." 8 C.F.R. § 103.5(a)(2). The documentation that the Petitioner presents on motion relates to the Beneficiary's son's academic and other accomplishments. As discussed in our previous motion decisions, these documents do not establish that the proposed employment satisfies the regulatory definition of "religious occupation" under 8 C.F.R. § 204.5(m)(5), and thus do not demonstrate the Petitioner's eligibility to classify the Beneficiary as an immigrant religious worker. *See* 8 C.F.R. § 204.5(m)(2) (noting that a petitioner must show that a beneficiary is coming to the United States to work as a minister, in a religious vocation, or in a religious occupation); *see also* Section 203(b)(4) of the Act. As such, we will dismiss the Petitioner's motion to reopen the proceeding.

III. CONCLUSION

We will dismiss the Petitioner's motion to reconsider the matter because its filing does not establish that we based our prior decision on an incorrect application of law or policy, or that the decision was incorrect based on the evidence in the record when we issued the decision. *See* 8 C.F.R. § 103.5(a)(3). We will also dismiss the Petitioner's motion to reopen the proceeding because its filing does not state

new facts to be provided in the reopened proceeding or be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

ORDER: The motion to reconsider is dismissed.

FURTHER ORDER: The motion to open is dismissed.