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U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[redacted]

File: WAC 01 217 54352 Office: California Service Center Date: MAR 1 2 2003

IN RE: Petitioner:
Beneficiary: [redacted]

Petition: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:
This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

Elizabeth Hayward
for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment based immigrant visa petition was denied by the Director, California Service Center, and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be dismissed.

The AAO dismissed the appeal on June 12, 2002, because the petitioner had not submitted evidence pertaining to the regulatory criteria at 8 C.F.R. § 204.5(h)(3). On June 21, 2002, the Service received a letter and fee from the petitioner stating that the letter constituted his motion to reopen.

On motion, the petitioner states that his company seeks to employ the beneficiary as an "experienced body worker," not as a "diesel mechanic" as stated in the AAO's prior decision. While the second paragraph of AAO's June 12, 2002 decision does erroneously refer the beneficiary as a diesel mechanic, we note that page 3 of the same decision contains the following statement: "This petition seeks to classify the beneficiary as an alien with extraordinary ability as a body workman/mechanic." This statement reflects the beneficiary's job title as listed under Part 6 of the I-140 petition.

The AAO's prior decision offered a pertinent discussion of the petitioner's evidence, including a reference to the beneficiary "learn[ing] auto detailing from his father." Clearly, the AAO's determination was based on a thorough evaluation of the evidence and a single, minor typographical error does not undermine the grounds cited in the AAO's decision. The petitioner's motion fails to address any of these grounds and it remains that the petitioner has offered no evidence pertaining to the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

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. The petitioner has not filed a proper motion to reopen. The petitioner has stated no new facts nor offered any additional evidence. Furthermore, other than pointing out a minor typographical error, the petitioner's motion does not address any of the AAO's specific findings.

8 C.F.R. § 103.5(a)(4) states that "[a] motion that does not meet applicable requirements shall be dismissed." Accordingly, the motion will be dismissed, the proceedings will not be reopened, and the previous decisions of the director and the Administrative Appeals Office will not be disturbed.

ORDER: The motion is dismissed.