



U.S. Citizenship
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Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: NOV 10 2005

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IN RE:

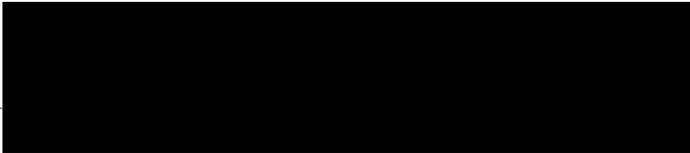
Petitioner:

Beneficiary:



PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the petition pursuant to 8 C.F.R. 103.2(b)(13) because the petitioner failed to respond to a request for additional evidence and the director found the petition to be abandoned.¹

8 C.F.R. § 103.2(b)(15) states, in pertinent part: “A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under §103.5.”

No appeal of the denial in this matter is permitted and the petitioner’s appeal must be rejected.

ORDER: The appeal is rejected.

¹ Counsel states that neither he nor the petitioner received the Request for Evidence issued in this matter. CIS records, however, show that the request was issued prior to submission of the petitioner’s change of address. In any event, the record is being returned to the service center that issued it, and the service center has the discretion to entertain it as a motion if necessary.