

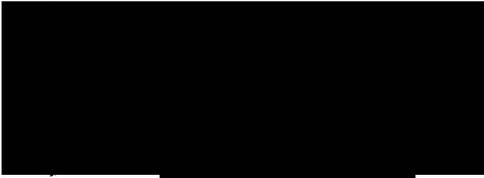
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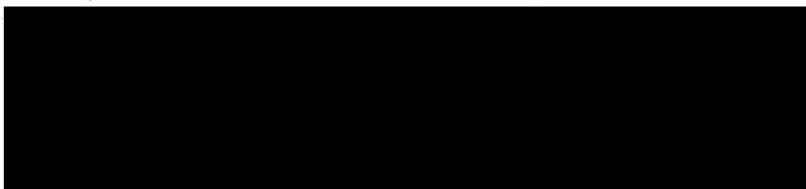


FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: JUL 13 2006
WAC 03 058 55088

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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, Chief
Administrative Appeals Office

DISCUSSION: The service center director denied the employment-based I-140 visa petition on October 5, 2004. Previous counsel submitted a timely appeal received by the Service Center on October 27, 2004. On December 17, 2004, the beneficiary's Form I-485, Application to Register Permanent Residence or Adjust Status, was also denied based on the denial of the I-140 petition. On February 18, 2005, new counsel submitted a motion to reopen/reconsider with regard to the I-485 petition based on new information regarding the arrests of one attorney and an assistant from the law firm that had previously represented the beneficiary on both the I-140 and I-485 petitions. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as a skilled worker. The director stated that the beneficiary did not automatically lose his Iranian citizenship when he became a Canadian citizen and that as an Iranian national and citizen, the beneficiary had to register for the National Security Entry-Exit Registration System (NSEERS). The director determined that the beneficiary had not registered for NSEERS and denied the I-140 petition.¹

On the Form I-290B, former counsel stated that the notice to deny the petition was not factual, and that other documentation would be submitted with the appeal brief. Previous counsel stated that she would submit a brief and other evidence to the Administrative Appeals Office (AAO) within 30 days.

Counsel dated the appeal October 26, 2004. As of this date, more than 20 months later, the AAO has received nothing further. No brief or appeal for the I-140 petition is found in the record from either former or current counsel. It is noted that current counsel did submit a motion to reopen/reconsider the I-485 petition. However, the jurisdiction of the AAO does not include the review of motions to reconsider or reopen I-485 petitions. The AAO will return the motion to reopen/reconsider the denial of the I-485 petition to the director for review.

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

As stated previously, former counsel did not specifically address the reasons stated for the denial of the I-140 petition and did not provide any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.

¹ It is noted that the director denied the I-140 petition on an admissibility ground, rather than on a ground of eligibility set forth in the regulations pertaining to immigrant petitions.