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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
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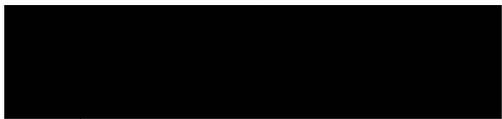


FILE: [REDACTED]
EAC02 116 53081

Office: VERMONT SERVICE CENTER

Date: FEB 01 2007

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: SELF-REPRESENTED

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.

Jal *Wiemann*
Robert P. Wiemann, Chief
Administrative Appeals Office



DISCUSSION: The preference visa petition was denied as abandoned by the Director, Vermont Service Center. The petitioner's subsequent motion to reopen was rejected as untimely by the director. The director also rejected as untimely the petitioner's second attempt to reopen pursuant to a motion. An appeal of that decision is now before this office. The appeal will be rejected.

A Form G-28, Entry of Appearance, was filed in this matter. On that form, the petitioner's ostensible representative does not indicate that he is an attorney but states that he is a "Case Manager." That ostensible representative's name, however, does not appear on the Citizenship and Immigration Service's list of accredited representatives. The file contains no evidence that the petitioner's ostensible representative is qualified and authorized to represent the petitioner. As such, this office does not recognize the petitioner's ostensible representative. The petitioner shall be considered self-represented.

The petitioner seeks classification of its beneficiary as a skilled worker or professional pursuant to Section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3). The director determined that the petitioner had abandoned the petition by failing to submit the documentation requested in a request for additional evidence issued on June 6, 2002 and denied the petition accordingly.

On appeal, counsel argues that the petition should not have been denied as abandoned.

The director in his denial properly advised the petitioner that any denial due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15) provides:

A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under § 103.5.

Therefore, this office has no jurisdiction over the instant appeal. Rather, 8 C.F.R. § 103.5(a)(2) provides that denials due to abandonment may be challenged in a motion to reopen before the office that rendered the decision based on limited arguments.

ORDER: The appeal is rejected.