

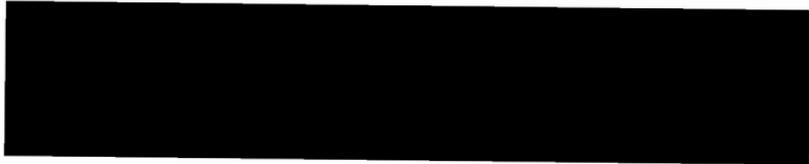


U.S. Citizenship
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FILE: WAC 03 146 51129 Office: CALIFORNIA SERVICE CENTER Date: JUN 19 2007

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Motions 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 Motions Office

DISCUSSION: The preference visa petition was denied by the Director, California Service Center, and dismissed before the Administrative Appeals Office (AAO) on appeal. The petitioner has filed a motion to reopen/reconsider the AAO's decision. The motion will be rejected.

In order to properly file a motion, the regulation at 8 C.F.R. § 103.5(a)(1)(i) provides that the affected party must file the complete motion within 30 days of after service of the unfavorable decision. If the decision was mailed, the motion must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b).

The record indicates that the AAO issued the decision on May 23, 2005. Although counsel dated the motion June 6, 2005, Citizenship and Immigration Services (CIS) received the motion on August 5, 2005, 43 days after the decision was issued. Accordingly, the motion was untimely filed.

The petitioners' initial motion that was filed was rejected by CIS because the petitioner failed to pay the filing fee. Receipt dates are not assigned by CIS until defective filings are cured. *See* 8 C.F.R. § 103.2(a)(7)(i) and (a)(i).

As the motion was untimely filed, the motion must be rejected.

ORDER: The motion is rejected.