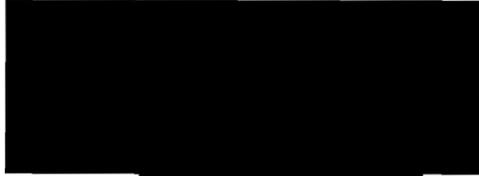


identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



BG

FILE:



Office: VERMONT SERVICE CENTER

Date:

OCT 25 2007

EAC-04-056-50825

IN RE:

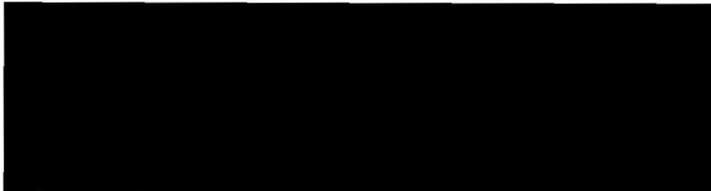
Petitioner:



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.

**DISCUSSION:** The preference visa petition<sup>1</sup> was denied by the Acting Center Director (Director), Vermont Service Center on August 18, 2004. The subsequent appeal was dismissed by the Administrative Appeals Office (AAO) on June 13, 2006. The matter is now before the AAO on a motion to reopen. On October 11, 2006, before any decision, in response to the director's request for evidence dated July 11, 2006, the petitioner, through counsel, requested that the pending appeal in the instant case be withdrawn in order to

<sup>1</sup> The petitioner filed another immigrant petition (EAC-05-075-52218) on the behalf of the same beneficiary based on the same labor certification on January 7, 2005 while an appeal from the denial of the instant petition was pending with the AAO. The director issued two requests for evidence on March 30, 2005 and July 11, 2006 respectively requesting the original copy of the certified labor certification.



Page 2

enable the director to adjudicate the new petition. The withdrawal may not be retracted. 8 C.F.R. § 103.2(b)(6).

ORDER: The motion to reopen is dismissed based on its withdrawal by the petitioner.

A handwritten signature in black ink, appearing to read 'R. Wiemann'.

Robert P. Wiemann, Chief  
Administrative Appeals Office