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U.S. Department of Homeland Security
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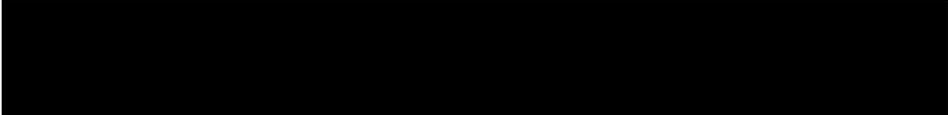
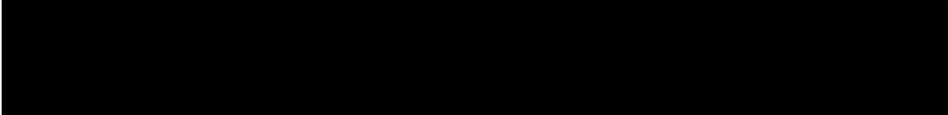
U.S. Citizenship
and Immigration
Services

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FILE:  Office: TEXAS SERVICE CENTER Date: JAN 02 2009
SRC 04 059 50967

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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the preference visa petition. The Administrative Appeals Office (AAO) dismissed a subsequent appeal, affirming the director's decision. The matter is now before the AAO on a motion to reopen. The motion will be rejected as untimely filed.

A motion to reopen or reconsider an action by Citizenship and Immigration Services must be filed within 30 days of the decision that the motions seeks to reopen or have reconsidered. *See* 8 C.F.R. § 103.5(a). 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 Chief, AAO issued the decision on August 10, 2006. The appropriate office of CIS received the motion on October 18, 2006, 68 days after the decision was issued. Accordingly, the motion was untimely filed.

As the motion was untimely filed it must be rejected.

ORDER: The motion is rejected.