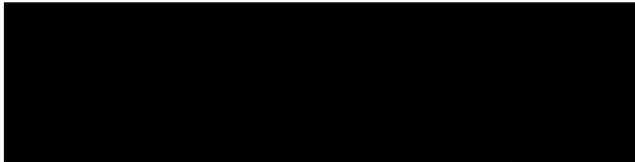


**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

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FILE: [Redacted]
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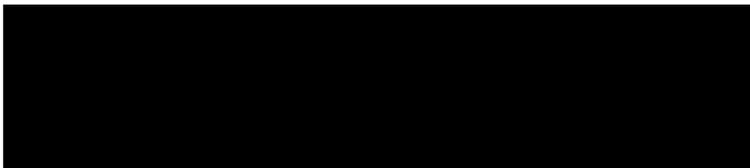
Office: CALIFORNIA SERVICE CENTER

Date: **JAN 29 2008**

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 employment-based immigrant visa petition was denied by the Director, California Service Center. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reconsider. The motion will be rejected as untimely filed, the previous decision of the AAO will be affirmed, and, the petition will remain denied.

The record indicates that the AAO issued the decision on July 25, 2006. Although counsel dated the motion August 31, 2006, it was received by the director on September 20, 2006, 57 days after the decision was issued. Accordingly, the motion was untimely filed.

Neither the Act nor the pertinent regulations grant the AAO authority to extend the 33-day time limit for filing a motion. *See* the regulations at 8 C.F.R. § 103.5(a)(1)(i) and 8 C.F.R. § 103.5(a).

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

ORDER: The motion is rejected.