



U.S. Citizenship  
and Immigration  
Services

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DZ

FILE: WAC 02 139 51608 Office: CALIFORNIA SERVICE CENTER

Date:

MAY 13 2004

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The service center director denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a law firm that seeks to employ the beneficiary as a market analyst. The petitioner endeavors to classify the beneficiary as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The petitioner withdrew the petition on January 16, 2003, and now seeks to reinstate the petition based on exceptional circumstances. The petitioner states that he did not intend to withdraw the petition, but did so following incorrect legal advice.

Citizenship and Immigration Services (CIS) regulations specifically state that a withdrawal may not be retracted. 8 C.F.R. § 103.2(b)(6). Accordingly, the AAO will reject the appeal.

**ORDER:** The appeal is rejected.