

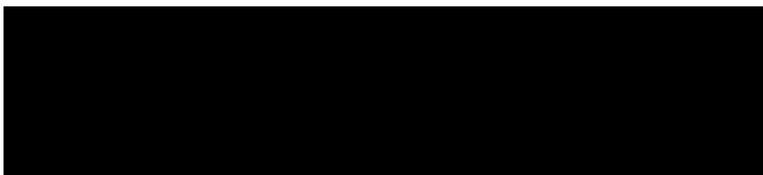


U.S. Citizenship
and Immigration
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FILE: WAC 05 020 51341 Office: CALIFORNIA SERVICE CENTER Date: OCT 24 2007

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.

Handwritten signature of Robert P. Wiemann in black ink.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, terminated the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. On January 26, 2005, the Director, California Service Center, terminated the nonimmigrant visa petition based upon the petitioner's request, by letter dated January 6, 2005, that the petition be withdrawn.

The petitioner is a provider of technology-based business solutions that seeks to employ the beneficiary as a computer programmer. 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 term "withdrawal" is defined at 8 C.F.R. § 103.2(b)(6):

Withdrawal. An applicant or petitioner may withdraw an application or petition at any time until a decision is issued by the Service or, in the case of an approved petition, until the person is admitted or granted adjustment or change of status, based on the petition. However, a withdrawal may not be retracted.

On January 6, 2005, the petitioner withdrew its petition for the beneficiary stating that the beneficiary terminated his employment with the petitioner. In his notice of withdrawal dated January 6, 2005, the director terminated the petition and notified the petitioner that a withdrawal may not be retracted. Nevertheless, the petitioner appealed the director's decision. Pursuant to 8 C.F.R. § 103.2(b)(6), a withdrawal may not be retracted. Therefore, there is no appeal from the director's decision to terminate the petition.

Since there is no legal basis for the instant appeal, it must be rejected.

ORDER: The appeal is rejected.