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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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File: EAC 01 263 51342 Office: VERMONT SERVICE CENTER

Date: **OCT 23 2006**

IN RE: Petitioner:  
Beneficiary:

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

IN 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 nonimmigrant visa petition was denied by the director, Vermont Service Center. The matter was appealed to the Administrative Appeals Office (AAO), and the AAO dismissed the appeal on April 11, 2003. On May 9, 2003, the petitioner filed an appeal addressed to the Board of Immigration Appeals (BIA). Since jurisdiction lies with the AAO and not with the BIA, the matter was directed to the AAO where it was treated as a motion to reopen or reconsider. On September 22, 2006, counsel for the petitioner requested that the appeal, considered to be a motion, be withdrawn.<sup>1</sup>

ORDER: The appeal, considered to be a motion, is dismissed based on its withdrawal by counsel.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

<sup>1</sup>It should be noted that, had the appeal/motion not been withdrawn, it would have been dismissed pursuant to 8 C.F.R. § 103.5(a)(4) for failure to meet applicable requirements. Not only is the appeal/motion not addressed to the official having jurisdiction as required by 8 C.F.R. § 103.5(a)(1)(iii)(D), but it does not state any new facts or indicate that the AAO made an error of law as required by 8 C.F.R. § 103.5(a)(2) and (3).