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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

PUBLIC COPY

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[redacted]

FILE: WAC 07 084 53109 Office: CALIFORNIA SERVICE CENTER Date: MAR 0 8 2010

IN RE: Petitioner: [redacted]

PETITION: Immigrant Petition by Alien Entrepreneur Pursuant to Section 203(b)(5) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(5)

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Mari Johnson

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Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based immigrant visa petition and the Administrative Appeals Office (AAO) summarily dismissed a subsequent appeal. The matter is now before the AAO on motion. The motion will be dismissed.

The petitioner seeks classification as an alien entrepreneur pursuant to section 203(b)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(5).

On appeal, the petitioner indicated that he would submit a brief and/or additional evidence within 30 days. The petitioner dated the appeal December 27, 2007. On March 17, 2009 the AAO summarily dismissed the appeal after having received nothing further from the petitioner.

On April 16, 2009, the petitioner filed the instant motion to reopen. The petitioner asserts that he is now submitting evidence to overcome the director's decision denying the petition.

According to 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. According to 8 C.F.R. § 103.5(a)(3), a motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy.

The most recent decision in this matter is the summary dismissal issued by the AAO on March 17, 2009. That is the decision the petitioner seeks to reopen. Nothing in the motion, however, suggests that the AAO's decision summarily dismissing the appeal was issued in error. Specifically, the petitioner has not demonstrated that the original appeal alleged any specific erroneous conclusion of law or statement of fact either initially or in a subsequent filing submitted within the 30 days period in which the petitioner was permitted to supplement the appeal or even prior to the AAO's decision dated March 17, 2009.

As the motion does not allege any error in the decision it seeks to reopen, it must be dismissed.

ORDER: The motion is dismissed.