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



U.S. Citizenship
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FILE: SRC 04 138 52285

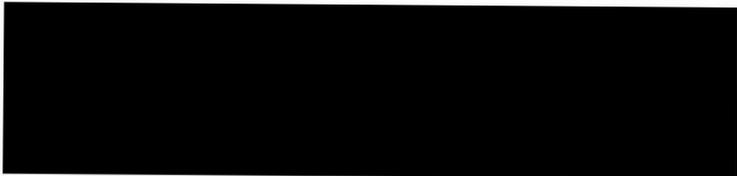
Office: TEXAS SERVICE CENTER Date: JUL 24 2006

IN RE: Petitioner:
Beneficiary:



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 director, Texas Service Center, certified his decision in the employment-based preference visa petition to the Administrative Appeals Office (AAO). The AAO will remand the decision to the director for submission of the Notice of Certification to the attorney of record.

The petitioner is a direct dealer for the Raymond Corporation that engineers a full line of materials handling equipment, and storage and retrieval systems. The petitioner seeks to employ the beneficiary permanently in the United States as an account executive.

It is noted that the cover letter for the Notice of Certification dated December 16, 2004 is addressed to the petitioner's attorney of record, but incorrectly identifies the petitioner and the beneficiary. The decision, however, is for the instant petitioner.

Based on the apparent erroneously named beneficiary and petitioner on the cover sheet, on June 26, 2006, the AAO sent correspondence to the attorney of record with regard to any appeal filed in response to the Notice of Certification. On June 28, 2006, the AAO received copies of correspondence from the attorney of record previously submitted to both the Texas Service Center and to the AAO. The attorney of record notes in his correspondence of June 28, 2006, that no appeal has been filed in the instant petition, as no written decision has been received in the matter.

The AAO will remand the Notice of Certification to the director for submission to the attorney of record for his review and so that all further rights of appeal may be observed, pursuant to regulatory guidance. *See* 8 C.F.R. § 103.4(a)(2).

ORDER: The Notice of Certificate is remanded to the director for transmittal to the attorney of record.