

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **NOV 06 2013** OFFICE: NEBRASKA SERVICE CENTER FILE: [Redacted]

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

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)(A)

ON BEHALF OF PETITIONER:

[Redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the immigrant visa petition. After erroneously rejecting the petitioner's appeal as untimely and reopening the matter on its own motion, the Administrative Appeals Office (AAO) dismissed the appeal on June 26, 2013. The matter is now before the AAO on the petitioner's motion to reconsider.¹

On September 18, 2013, the petitioner withdrew its filing. The petitioner may not retract the withdrawal. 8 C.F.R. § 103.2(b)(6).

ORDER: The motion is dismissed based on its withdrawal by the petitioner. The petition remains denied.

¹ The petitioner's most recent Form I-290B, Notice of Appeal or Motion, states that the petitioner files an "appeal." However, the AAO lacks jurisdiction to review its own decisions on appeal. See DHS Delegation No. 0150.1 para. (2)(U) (Mar. 1, 2003) (granting U.S. Citizenship and Immigration Services (USCIS) appellate authority to review only the matters set forth in the former regulation at 8 C.F.R. § 103.1(f)(3)(iii) (2002)). Because the petitioner alleges that the AAO erred in applying law or USCIS policy, the AAO treats the filing as a motion to reconsider. See 8 C.F.R. § 103.5(a)(3).