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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: LIN 03 165 50784 Office: NEBRASKA SERVICE CENTER Date: MAR 22 2005

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition for nonpayment of the required filing fee and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as the denial of a petition for nonpayment of a required filing fee is not a matter within the jurisdiction of the AAO.

The regulation at 8 C.F.R. § 103.2(a)(7) mandates the rejection of any petition not filed with the required fee. The following statement of the director effected a rejection of the Form I-129 petition:

Since this filing is not the third petition filed by this employer, the petitioner is not entitled to the \$1,000 fee exemption and this petition may not be approved.

The denial of a petition for nonpayment of filing fees is not a matter within the jurisdiction of the AAO. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction only over the matters described at 8 C.F.R. § 103.1(f)(3)(E)(iii) (as in effect on February 28, 2003).

As the petition was rejected for nonpayment of a required filing fee, the appeal must be rejected.

ORDER: The appeal is rejected.