



U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
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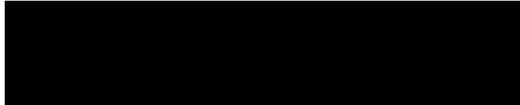


Public Copy

File: WAC 99 127 51348 Office: California Service Center

Date: MAR - 8 2001

IN RE: Petitioner:
Beneficiary:



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)

IN BEHALF OF PETITIONER: SELF-REPRESENTED

Identification data deleted to
prevent clearly unwarranted
invasion of personal privacy.

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the director, California Service Center, and is now before the Associate Commissioner, Examinations, on appeal. On July 16, 1999, the director sent the petitioner a notice of her intent to deny the petition. The director provided the petitioner 30 days within which to respond to the intended denial.

The record shows that the petitioner submitted documents which were received by the director on August 5, 1999 (in response to the Service intent to deny notice). The documents were accompanied by a "Correspondence Cover Sheet" provided by the California Service Center for the purpose of facilitating the processing of submitted documentation.

On September 12, 1999, the director denied the visa petition based on a finding that the petitioner had failed to respond to the notice of intended denial.

Therefore, the case must be remanded to the director so that she may enter a new decision concerning the notice of her intent to deny the petition. The director shall take into account the material forwarded by the petitioner in making that determination and enter a new decision.

ORDER: The director's denial decision is withdrawn. The case is remanded for appropriate action and decision consistent with the above discussion.