



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: LIN 99 150 51157 Office: NEBRASKA SERVICE CENTER Date: 306 0 4 2004

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:

[Redacted]

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.

Maig Jensen

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition by decision dated February 12, 2000. The matter was then appealed to the Administrative Appeals Office (AAO). By decision dated May 24, 2001, the AAO dismissed the appeal. On June 18, 2001, the petitioner filed with the AAO a motion to reconsider. On October 10, 2002, the AAO granted the petitioner's motion, withdrew the director's decision, and remanded the proceeding to the director for entry of a new decision. On December 20, 2002, the director issued a new decision finding that the petitioner had submitted evidence overcoming the basis of the director's original denial. The director further held, however, that the requested period of employment on the Labor Condition Application (LCA) filed with the I-129 petition had expired and, as such, the LCA was no longer valid and the petition could not be approved. 8 C.F.R. § 214.2(h)(9)(iii). The director then certified the matter to the AAO for review. 8 C.F.R. § 103.2(b)(13). The director's decision will be affirmed. The petition will be denied.

ORDER: The director's December 20, 2002 decision is affirmed. The petition is denied.