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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

Handwritten initials

[Redacted]

FILE: SRC 02 061 51445 Office: TEXAS SERVICE CENTER Date: *JUN 11 2016*

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.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition by decision dated January 11, 2002. The petitioner then submitted additional information to the director, who forwarded the matter to the Administrative Appeals Office (AAO) as an appeal. The AAO noted that neither the petitioner nor counsel had filed a notice of appeal (Form I-290B), but that, though untimely filed, the new information could be considered by the director as a motion to reopen or reconsider. The matter was accordingly remanded to the director for further proceedings as it is the director who has jurisdiction over such motions. *See* 8 C.F.R. § 103.5(a)(1)(ii). The director thereafter issued a decision affirming its prior denial of the I-129 petition and certified the matter to the AAO for review on August 20, 2003. 8 C.F.R. § 103.4(a). The director's decision will be affirmed. The petition will be denied.

The regulation at 8 C.F.R. § 103.4(a)(2) provides that when a case is certified to a service officer, the affected party may submit a brief to whom the case is certified within 30 days after service of the notice. The AAO has received no further submission from counsel or the petitioner contesting the director's decision.

ORDER: The decision of the director certified to the AAO on August 20, 2003 is affirmed. The petition is denied.