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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

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DATE: Office: TEXAS SERVICE CENTER

FILE: 

JAN 10 2012

IN RE: Petitioner:   
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to  
Section 203(b)(1)(A) of the Immigration and Nationality Act; 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:



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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the employment-based immigrant visa petition. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a second appeal. The appeal will be rejected.

The record indicates that the AAO issued the decision on the first appeal on June 24, 2011. Specifically, the AAO summarily dismissed the petitioner's appeal because the petitioner failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v). In addition, although counsel indicated that a brief and supplemental evidence would be submitted within 30 days of the filing of the appeal, the record of proceeding failed to reflect that such brief and/or evidence was ever submitted.

In a letter dated July 16, 2011, counsel requested the AAO to reconsider the decision and argued that "there must have been a clerical error in this case as all supporting documents in our client's file have been submitted to USCIS in October of 2010 and must have been misplaced in transit or on arrival." On September 1, 2011, the AAO responded to counsel's request and determined that the AAO's decision was proper and based on the record of proceeding. Moreover, the AAO indicated that counsel failed to submit any documentary evidence, such as a postal receipt, to verify his claim of submission prior to the AAO's decision, and the record of proceeding contained no error on part of the AAO that would warrant the reopening of the matter.

On July 22, 2011, counsel submitted the present appeal. The petitioner's appeal must be rejected. The AAO does not exercise appellate jurisdiction over its own decisions. The AAO exercises appellate jurisdiction over only the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003). *See* DHS Delegation Number 0150.1(effective March 1, 2003). Accordingly, the appeal is not properly within the AAO's jurisdiction.

As noted in the AAO's cover letter, the petitioner had the option of filing a motion to reopen or a motion to reconsider the AAO's most recent decision within 33 days of service pursuant to 8 C.F.R. § 103.5 but neither the Form I-290B itself nor the petitioner's brief indicated an intent to file a motion.

Therefore, as the appeal was not properly filed, it will be rejected. 8 C.F.R. §103.3(a)(2)(v)(A)(1).

**ORDER:** The appeal is rejected.