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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

PUBLIC COPY

[REDACTED]

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FILE: [REDACTED] OFFICE: NEBRASKA SERVICE CENTER Date: JAN 13 2011

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to
Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:

[REDACTED]

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, Nebraska Service Center, denied the immigrant visa petition on May 22, 2008. On June 18, 2008, the petitioner filed a Form I-290B appealing the matter to the Administrative Appeals Office (AAO). The appeal was dismissed in a decision dated June 18, 2009. The matter is currently before the AAO on a second appeal. The Form I-290B, which was filed on July 17, 2009, seeks a second appeal of the director's decision dated May 22, 2008. The appeal will be rejected as improperly filed.

As indicated above, the petitioner has already sought appellate review of the director's May 22, 2008 decision in which the petition was denied. The AAO provided a comprehensive review of the petitioner's submissions and fully addressed all pertinent points. The AAO notes that there is no statutory or regulatory provision that permits the petitioner to file more than one appeal with regard to the same petition. Similarly it is noted that there is also no statutory or regulatory provision allowing the petitioner to appeal a prior AAO decision. *See* 8 C.F.R. § 103.3(a)(1)(ii). Although the AAO has jurisdiction to review its own appellate decision on motion to reopen or reconsider pursuant to 8 C.F.R. § 103.5(a), provided that the petitioner files a timely motion on Form I-290B, the petitioner in the present matter clearly filed an appeal. As there is no law or regulation permitting the filing of multiple appeals of the same petition, the petitioner's second appeal must be rejected.

Additionally, with regard to counsel's claim that the prior adverse decisions were the result of ineffective assistance from the petitioner's prior counsel, the AAO cautions counsel that any appeal or motion based upon a claim of ineffective assistance of counsel requires: (1) that the claim be supported by an affidavit of the allegedly aggrieved respondent setting forth in detail the agreement that was entered into with counsel with respect to the actions to be taken and what representations counsel did or did not make to the respondent in this regard, (2) that counsel whose integrity or competence is being impugned be informed of the allegations leveled against him and be given an opportunity to respond, and (3) that the appeal or motion reflect whether a complaint has been filed with appropriate disciplinary authorities with respect to any violation of counsel's ethical or legal responsibilities, and if not, why not. *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), *aff'd*, 857 F.2d 10 (1st Cir. 1988). In the present matter, the petitioner has not met the required criteria. Therefore, even if the current appeal were not being rejected, it would have been dismissed based upon the merits of the petitioner's argument.

ORDER: The appeal is rejected.