

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



DJ

FILE: LIN 02 243 52497 Office: NEBRASKA SERVICE CENTER Date: MAR 22 2005

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, Director
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition for nonpayment of the required filing fee and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as the denial of a petition for nonpayment of a required filing fee is not a matter within the jurisdiction of the AAO.

The regulation at 8 C.F.R. § 103.2(a)(7) mandates the rejection of any petition not filed with the required fee. The following statement of the director effected a rejection of the Form I-129 petition:

In the same Request for Evidence letter, it was explained to the petitioner, that the instant petition was a request for a first extension filed by the petitioning company and they were not an exempt company. The petitioner was informed that the \$1000 training fee must be paid before the adjudication of the petition could continue.

In response, the petitioner mentioned that the filing fee was submitted under a separate cover. The amount paid was an additional \$130. The additional \$1000 fee was not submitted. Therefore, the Service cannot adjudicate the case for lack of the proper filing amount.

The denial of a petition for nonpayment of filing fees is not a matter within the jurisdiction of the AAO. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction only over the matters described at 8 C.F.R. § 103.1(f)(3)(E)(iii) (as in effect on February 28, 2003).

As the petition was rejected for nonpayment of a required filing fee, the appeal must be rejected.

ORDER: The appeal is rejected.