

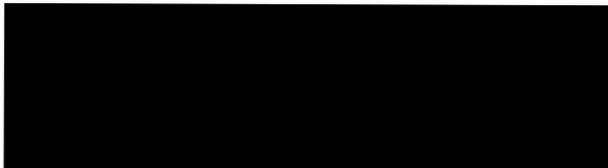
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



**U.S. Citizenship  
and Immigration  
Services**

92



**SEP 15 2009**

**FILE:** WAC 08 040 50275 Office: CALIFORNIA SERVICE CENTER Date:

**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:**



**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.

  
John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The service center director denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO). Counsel's submission will be rejected.

Counsel was instructed at Page 2, Part 2 of the instructions to the Form I-290B, Notice of Appeal or Motion, how she must complete the Form I-290B at Part 2, *Information About the Appeal or Motion*. Those instructions state that a petitioner must "clearly indicate" whether she is filing an appeal or a motion. At Part 2 of the Form I-290B, counsel marked boxes B and F, one of which relates to an appeal, and one of which relates to a motion. Counsel has not made clear whether she is filing an appeal or a motion. An appeal and a motion may not be simultaneously filed, as the jurisdiction over each matter lies with different offices. *See* 8 C.F.R. §§ 103.3(a)(iv), 103.5(a)(ii). Accordingly, counsel's submission must be rejected as improperly filed.

**ORDER:** The submission is rejected.