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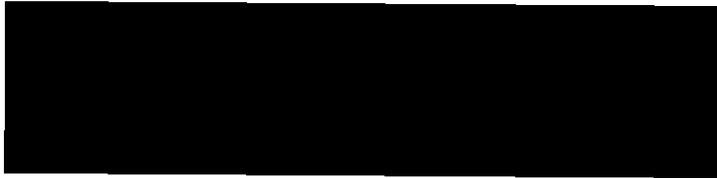
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

D2



FILE: WAC 07 059 50436 Office: CALIFORNIA SERVICE CENTER Date: APR 05 2011

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:

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, California Service Center, denied the nonimmigrant visa petition on September 23, 2009. On October 21, 2009, the petitioner filed a Form I-290B appealing the matter to the Administrative Appeals Office (AAO). The appeal was dismissed in a decision dated March 2, 2010. The matter is again before the AAO on appeal. The Form I-290B, which was filed on April 1, 2010, seeks an appeal of the AAO's decision dated March 2, 2010. The appeal will be rejected as improperly filed.

As indicated above, the petitioner has already sought appellate review of the director's September 23, 2009 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). The AAO does not exercise appellate jurisdiction over AAO decisions. The AAO exercises appellate jurisdiction over 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; 8 C.F.R. § 103.3(a)(iv). Accordingly, the appeal is not properly before the AAO.

Although the AAO has jurisdiction over a timely and otherwise properly filed motion filed on form I-290B pursuant to 8 C.F.R. § 103.5(a), the petitioner in the present matter clearly filed an appeal. As there is no statutory or regulatory provisions permitting the filing of an appeal of a prior AAO decision, the petitioner's appeal must be rejected.

ORDER: The appeal is rejected.