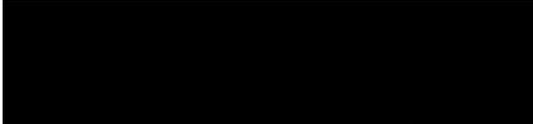


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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File: [Redacted] I-290B Receipt Number: SRC-02-213-52353

Office: TEXAS SERVICE CENTER

Date: APR 01 2003

IN RE: Petitioner:
Beneficiary:



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:



PUBLIC COPY

INSTRUCTIONS:

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director of the Texas Service Center denied the employment-based preference visa and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a Florida corporation that seeks to employ the beneficiary as its president and general manager. The petitioner, therefore, endeavors to classify the beneficiary as a multinational executive or manager pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C).

The director denied the petition on May 31, 2002, on the ground that the proffered position was not in an executive or managerial capacity. On June 27, 2002, the petitioner filed an appeal with the Texas Service Center. The Service Center assigned the appeal the receipt number of SRC-02-212-50227. On July 1, 2002, the petitioner filed a second appeal with the Texas Service Center, which the Service Center assigned the receipt number of SRC-02-213-52353. The second appeal indicated that a brief or additional evidence would be forthcoming. As of this date, however, no additional evidence has been received into the record.

The Administrative Appeals Office has jurisdiction over appeals from denials of I-140 preference visa petitions that are filed pursuant to section 203(b)(1)(C) of the Act, 8 U.S.C. § 1153(b)(1)(C). 8 C.F.R. § 103.1(f)(3)(iii)(J). A petitioner may file only one appeal in response to the denial of a petition. See 8 C.F.R. § 103.3(a)(2)(i). Therefore, the Bureau must reject the petitioner's second appeal (receipt number SRC-02-213-52353) as improperly filed. The evidence submitted with the petitioner's initial appeal filing (receipt number SRC-02-212-50227) shall be fully considered by the Administrative Appeals Office in a separate decision.

ORDER: The appeal is rejected improperly filed.