U.S. Department of Homeland Security

Citizenship and Immigration Services

identifying data deleted to prevent invasion of personal privacy

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536

[redacted]

JAN 07 2004

FILE: EAC 01 040 50180 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner: [redacted]
Beneficiary

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L).

IN BEHALF OF PETITIONER:

PUBLIC COPY

[redacted]

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center and the Administrative Appeals Office (AAO) summarily dismissed the subsequent appeal. The matter is now before the AAO on a motion to reconsider. The motion to reconsider will be rejected.

The petitioner, M.M. Sports, Inc., was incorporated in the State of New York on August 25, 1999. It claims to be a subsidiary of Masand Sports Industry located in India. The petitioner is a company engaged in the sporting goods business. The petitioner seeks to extend the petition's validity and the beneficiary's temporary stay in the United States for a period of two years as the U.S. entity's president.

Accordingly, the petitioner endeavors to classify the beneficiary as a nonimmigrant manager or executive pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). On March 20, 2001, the director determined that the beneficiary's duties were not primarily that of an executive or manager. The director found that the beneficiary appeared to have been and would continue to primarily perform the day-to-day tasks required to import sporting goods.

As a result of the director's decision, the petitioner filed an appeal with the AAO. Counsel, on behalf of the petitioner, claimed that he would submit a brief and/or additional evidence to the AAO within 30 days. On June 17, 2002, the AAO summarily dismissed the appeal and determined that the petitioner, after more than thirteen months, had failed to submit evidence in support of the petition.

On July 23, 2002, 36 days after the AAO decision, the petitioner filed a motion for reconsideration and requested more time to submit additional documents and find a new attorney. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider. 8 C.F.R. § 103.5(a)(i). Accordingly, the motion must be rejected.

Furthermore, the petitioner's motion does not meet applicable requirements. The petitioner submitted a brief and additional evidence to the AAO on September 18, 2002. However, the petitioner submitted these documents more than three months from the decision that the motion sought to reconsider. The petitioner stated that additional evidence

would be submitted. Although the regulation at 8 C.F.R. § 103.3(a)(2)(vii) states that a petitioner may be permitted additional time to submit a brief or additional evidence to the AAO in connection with an appeal, no such provision applies to a motion to reconsider. As the motion was not filed in a timely manner, the motion will be rejected.

ORDER: The motion to reconsider is rejected.