U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] 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)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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

In order to properly file a motion to reopen and reconsider, the regulation at 8 C.F.R. § 103.5(a)(l)(i) provides that the affected party must file the motion within 30 days of the decision that the motion seeks to reopen/reconsider. In accordance with 8 C.F.R. § 103.2(a)(7)(i), an application received in a CIS office shall be stamped to show the time and date of actual receipt, if it is properly signed, executed, and accompanied by the correct fee. For calculating the date of filing, the motion to reopen/reconsider shall be regarded as properly filed on the date that it is so stamped by the service center or district office.

The record indicates that the AAO issued its decision on October 17, 2002. According to the date stamp on the motion to reopen and reconsider, Citizenship and Immigration Services (CIS) received it on January 2, 2003, or 77 days after the decision was issued. Accordingly, the motion was untimely filed.

As the motion was untimely filed, the motion must be rejected.

ORDER: The motion is rejected.