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U.S. Department of Homeland Security
20 Mass. Ave., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

DT

FILE: LIN 01 050 53249 Office: NEBRASKA SERVICE CENTER Date: DEC 05 2006

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:

[redacted]

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, Nebraska Service Center. The Administrative Appeals Office (AAO) dismissed the subsequent appeal. The matter is now before the Administrative Appeals Office on motion to reopen and reconsider. The motion will be summarily dismissed.

The petitioner is a company incorporated in Michigan and states it is an affiliate of [redacted] Trade and Commerce located in Syria. It seeks authorization to employ the beneficiary temporarily in the United States as its chief manager, import exports development. On July 13, 2001, in his decision, the director determined that the petitioner had not demonstrated that it has sufficient premises to house the new office and that the petitioner had not established that the beneficiary would be acting in a primarily executive or managerial capacity. Finally, the director determined that the petitioner did not establish that the intended U.S. operation, within one year of approval of the petition, would support an executive or managerial position.

On August 22, 2001, the petitioner filed an appeal with the AAO. On November 12, 2002, the AAO dismissed the appeal. On December 9, 2002, the petitioner filed a motion to reopen and reconsider with the AAO. Counsel for the petitioner requested an "additional ninety days to obtain additional information evidence and additional case law which indicates that the law was misapplied." Although the beneficiary submitted an affidavit stating that the beneficiary's spouse is ill, this affidavit is irrelevant to the facts and issues of this petition. As of this date, more than one year later, the AAO has received nothing further in support of the motion to reopen and reconsider. The regulation at 8 C.F.R. § 103.5 (a)(2) states, in pertinent part:

> A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence.

Additionally, the regulation at 8 C.F.R. § 103.5 (a)(3) states, in pertinent part:

> A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or CIS policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

Inasmuch as counsel has failed to state new facts and provide documentary evidence or state the reasons for reconsideration identifying specifically an erroneous conclusion of law or a statement of fact in this proceeding, the motion to reopen and reconsider is summarily dismissed.

ORDER: The motion to reopen and the motion to reconsider are summarily dismissed.