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

U.S. Citizenship and Immigration Services

D-7

[redacted]

File: EAC 02 071 53229 Office: VERMONT SERVICE CENTER Date: JUN 23 2004

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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center. The petitioner filed a subsequent appeal. The director determined that the appeal was not filed in a timely manner and rejected the appeal without rendering a decision on the merits. The matter is now before the AAO on appeal. The appeal will be dismissed.

The petitioner seeks to classify the beneficiary as a nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L).

The director denied the petition on April 15, 2002. On May 21, 2002, counsel for the petitioner filed an appeal seeking review of the director's decision. After reviewing the record, the director rejected the appeal as the appeal had not been filed in a timely manner. Any appeal that is not filed within the time allowed must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(B)(1). Such an appeal does not warrant a decision on the merits of the case either from the service center or from the AAO.

With this second appeal, the petitioner seeks review of the director's decision to reject the previous appeal as untimely filed. As the director properly rejected the appeal, the AAO must affirm the decision of the director.

ORDER: The appeal is dismissed.