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**U.S. Citizenship
and Immigration
Services**

D7



File: SRC 06 113 53266 (I-129) Office: TEXAS SERVICE CENTER Date: JAN 30 2009
SRC 06 217 53225 (I-290B)

IN RE: Petitioner:
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:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The Director of the Texas Service Center denied the nonimmigrant visa petition. The petitioner filed two appeals with the Administrative Appeals Office on July 11, 2006: SRC 06 217 53238 and SRC 06 217 53225. The Administrative Appeals Office (AAO) dismissed the appeal with receipt number SRC 06 217 53238 on July 7, 2008. The simultaneously filed appeal with receipt number SRC 06 217 53225 will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The petitioner is a Florida corporation allegedly engaged in the import and export of construction machinery, parts, and accessories. The petitioner seeks to extend the employment of the beneficiary as an L-1A 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 after concluding that the petitioner failed to establish that the beneficiary will be employed primarily in a managerial or executive capacity.

As noted above, the petitioner filed two identical appeals on July 11, 2006. The AAO dismissed the appeal with receipt number SRC 06 217 53238 on July 7, 2008 concluding that the petitioner failed to establish that the beneficiary will be employed in a primarily managerial or executive capacity. However, although the AAO's decision did not address which of the two identical appeals it was dismissing, records indicate that the AAO's decision was attributed to SRC 06 217 53238. Accordingly, the other appeal, SRC 06 217 53225, has not yet been considered by the AAO.

Upon review, the AAO will reject the appeal at SRC 06 217 53225 as improperly filed pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I). The petitioner is not entitled to file a second appeal from the same adverse decision, i.e., the director's decision dated June 8, 2006. The regulations only permit the filing of *an* appeal with the AAO, not multiple appeals. 8 C.F.R. § 103.3(a)(2). This single appeal must be "complete" and filed within 30 days, with the exception of briefs, which may be filed directly with the AAO if good cause is shown. *Id.*; 8 C.F.R. §103.3(a)(2)(vii).

As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).¹

ORDER: The appeal is rejected.

¹Although the AAO will not consider the merits of SRC 06 217 53225, it is noted that, if the merits were considered, the AAO would dismiss the appeal for the exact same reasons as those articulated in the AAO's decision dated July 7, 2008, dismissing the appeal with receipt number SRC 06 217 53238.