U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: APR 29 2013 OFFICE: TEXAS SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

for Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the immigrant petition. The Administrative Appeals Office (AAO) denied the petitioner's subsequent appeal. The petitioner has now filed a second appeal with the AAO. The AAO will reject the appeal.

The petitioner filed an Immigrant Petition for an Alien Worker as a Multinational Executive or Manager pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C). The director denied the petition on the basis that the petitioner failed to show that the beneficiary would be employed in a managerial or executive capacity and that the petitioner failed to establish that it had been and was currently doing business in the United States. The petitioner appealed that denial. The AAO upheld the director's decision and dismissed the appeal on June 8, 2012. The AAO further found that the petitioner failed to establish that it had a qualifying relationship with the beneficiary's foreign employer and that the beneficiary was employed abroad in a qualifying managerial or executive capacity for at least one out of the three years prior to the filing of the petition.

On July 5, 2012, the petitioner submitted a second appeal and requested 30 days to submit additional documentation. The director forwarded the matter to the AAO. No additional documentation was received and the record is now considered complete.

The petitioner seeks appellate review of the AAO's own decision. There is no statutory or regulatory provision that permits the petitioner to file more than one appeal before the AAO with regard to the same petition. *See* 8 C.F.R. § 103.3(a)(1)(ii). The authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security (DHS) pursuant to the authority vested in him through the Homeland Security Act of 2002, Pub. L. 107-296. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003), with one exception - petitions for approval of schools under § 214.3 are now the responsibility of Immigration and Customs Enforcement (ICE). The AAO does not exercise appellate jurisdiction over its own decisions. Accordingly, the appeal is not properly within the AAO's jurisdiction.

As noted in the AAO's cover letter, the petitioner had the option of filing a motion to reopen or a motion to reconsider the AAO's most recent decision within 33 days of service pursuant to 8 C.F.R. § 103.5 but neither the Form I-290B itself nor the petitioner's brief indicated an intent to file a motion. The petitioner clearly indicated on the Form I-290B that the petitioner seeks to appeal the AAO's decision dated June 8, 2012.

Assuming *arguendo* that the petitioner intended to file a motion to reopen or reconsider, the AAO notes that the current filing consists solely of the Form I-290B, Notice of Appeal or Motion, on which the petitioner indicated that it would submit a brief and/or additional evidence within 30 days. 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 reopen or reconsider. The additional evidence must comprise the motion. *See* 8 C.F.R §§ 103.5(a)(2) and (3). As the petitioner submitted no brief, evidence or other argument in support of the Form I-290B, the petitioner's submission does not meet the requirements of either a motion to reopen or a motion to reconsider. *See* 8 C.F.R. § 103.5(a)(3) and (4).

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

ORDER: The appeal is rejected.