

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

(b)(6)



U.S. Citizenship
and Immigration
Services

Date: **JAN 13 2015** Office: CALIFORNIA SERVICE CENTER

File: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Petition for Alien Fiancé(e) Pursuant to § 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(K)

ON BEHALF OF PETITIONER:

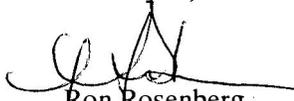
SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and the Administrative Appeals Office (AAO) dismissed a subsequent appeal. We reaffirmed our decision on a motion to reopen. The matter is again before us on motion to reconsider. The motion will be dismissed.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Laos, as the fiancé(e) of a United States citizen pursuant to section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K).

The director denied the petition after determining that the petitioner was subject to the multiple filing bar, had been convicted of a violent offense, and that the record did not establish extraordinary circumstances to justify a waiver of the filing limitation. On appeal and again on motion, we affirmed the director's decision.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) states, in pertinent part, that any motion to reconsider an action must be filed within 30 days of the decision that the motion seeks to reconsider. Further, 8 C.F.R. § 103.5(a)(4) states, in pertinent part, that a motion that does not meet applicable requirements shall be dismissed.

The record reflects that our decision of May 8, 2014, was sent to the petitioner at his address of record. Although the petitioner dated his motion brief on July 15, 2014, the director did not initially receive the motion until July 21, 2014. The director rejected the submission as improperly filed, and accepted the motion for filing on July 24, 2014, or 77 days after our decision. Accordingly, the motion shall be dismissed as untimely filed.

ORDER: The motion is dismissed.