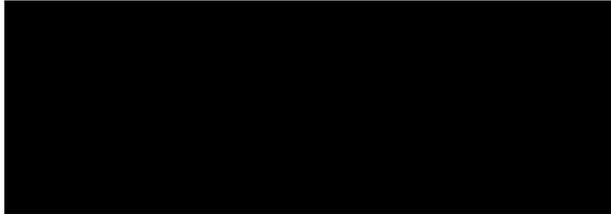




U.S. Citizenship
and Immigration
Services

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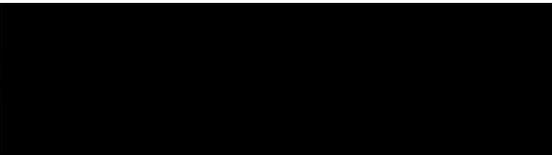
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File: SRC 97 246 52917 Office: TEXAS SERVICE CENTER Date: NOV 28 2005

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:

SELF-REPRESENTED

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, Texas Service Center, and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be rejected as untimely filed.

The petitioner is engaged in importing and exporting liquor products and claims to be a wholly-owned subsidiary of the beneficiary's foreign employer in Venezuela. It 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 May 11, 1998 concluding that the petitioner had not established that a qualifying relationship exists between the United States and foreign entities, that the beneficiary had been and would be employed in a managerial or executive capacity, or that the United States and foreign entities were doing business. The AAO dismissed a subsequently filed appeal on December 9, 1999, and properly advised the petitioner of the requirements for filing a motion to reopen or reconsider.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) requires that any motion to reopen or reconsider an action by Citizenship and Immigration Services (CIS) be filed within 30 days of the decision that the motion seeks to reopen or reconsider, except that failure to file before this period expires may be excused in the discretion of CIS where it is demonstrated that the delay was reasonable and was beyond the control of the petitioner.

The instant motion to reopen was filed on June 8, 2004, four years and six months after the adverse decision was issued by the AAO. On motion, the beneficiary states: "The reason of this letter [sic] is to ask if you can give me t [sic] the opportunity to re-open my case and to give the opportunity to continue being legal in this country."

The petitioner offers no explanation for the extremely late filing of the instant motion. As a matter of discretion, the petitioner's failure to file the motion within the period allowed will not be excused as either reasonable or beyond the control of the petitioner. Accordingly, the motion will be rejected as untimely filed.

ORDER: The motion is rejected.