

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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

PUBLIC COPY



D7

DATE: **MAR 19 2012**

Office: VERMONT SERVICE CENTER

FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Petition for a Nonimmigrant Worker under Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:



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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition, and the Administrative Appeals Office (AAO) summarily dismissed the petitioner's appeal. Subsequently, the AAO dismissed the petitioner's combined motion to reopen and reconsider. The matter is now before the AAO again on appeal. The AAO will reject the appeal as improperly filed.

The petitioner filed a nonimmigrant visa petition seeking to extend the beneficiary's employment 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 on February 14, 2008 concluding that the petitioner did not establish that the beneficiary will be employed in the United States in a primarily managerial or executive capacity. The petitioner filed a timely appeal.

On April 2, 2009, the AAO summarily dismissed the petitioner's appeal, pursuant to 8 C.F.R. § 103.3(a)(1)(v), concluding that the petitioner failed to identify an erroneous legal conclusion or factual statement in the director's decision as a basis for the appeal. The petitioner filed a combined motion to reopen and reconsider in response to the AAO's adverse decision.

The AAO dismissed the petitioner's combined motion in a decision dated May 11, 2011. The AAO determined that the petitioner's motion failed to meet the filing requirements set forth at 8 C.F.R. §§ 103.5(a)(1)(iii), 103.5(a)(2), and 103.5(a)(3).

On June 7, 2011, the petitioner filed a second appeal. The appeal must be rejected. The AAO does not exercise appellate jurisdiction over AAO decisions. 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). *See* DHS Delegation Number 0150.1; 8 C.F.R. § 103.3(a)(iv). Accordingly, the appeal is not properly before the AAO.

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

ORDER: The appeal is rejected.