



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

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF H-F-USA, INC.

DATE: NOV. 2, 2015

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a property acquisition and sales business, seeks to temporarily employ the Beneficiary as its chief executive officer in the L-1A intracompany transferee classification. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director, Vermont Service Center, denied the petition. We dismissed the Petitioner's subsequently filed appeal. The matter is now before us on a motion to reconsider. The motion will be denied.

An affected party has 30 days from the date of an adverse decision to file a motion to reopen or reconsider a proceeding before United States Citizenship and Immigration Services (USCIS). 8 C.F.R. § 103.5(a)(1)(i). If the adverse decision was served by mail, an additional three-day period is added to the 30-day period. 8 C.F.R. 103.5a(b). Any motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

The Petitioner's motion does not meet applicable requirements because it was not timely filed. We mailed our decision to the Petitioner on February 10, 2015. USCIS received the Petitioner's motion 36 days later on March 18, 2015. The Petitioner does not present any evidence to consider regarding the delay in timely filing the motion. 8 C.F.R. § 103.5(a)(1)(i). Accordingly, the motion will be denied as untimely filed.

As always, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has not met that burden.

**ORDER:** The motion to reconsider is denied.

Cite as *Matter of H-F-USA, Inc.*, ID# 15036 (AAO Nov. 2, 2015)