U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF S-H-Y-L- LTD. DATE: APR. 3, 2018

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, a foreign entity planning to operate a shipping logistics business, seeks to temporarily employ the Beneficiary as CEO of a new office under the L-1A nonimmigrant classification for intracompany transferees. See Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director of the California Service Center denied the petition and we dismissed the subsequent appeal. The matter is now before us on a motion to motion to reopen. Upon review, we will deny the motion as untimely filed.

A motion must be filed within 33 calendar days of the date that the unfavorable decision was served by mail. 8 C.F.R. §§ 103.5(a)(1)(i); 103.8(b). The filing date is the day USCIS receives the motion at the designated filing location, not the date the Petitioner mailed the motion. 8 C.F.R. § 103.2(a)(7)(i).

On January 19, 2018, we dismissed the Petitioner's appeal and served the unfavorable decision by mail. The decision stated that the Petitioner may file a motion within 33 days. USCIS received the motion on February 23, 2018, which is 35 days after the service date of the unfavorable decision. Accordingly, we are denying the motion as untimely filed.

ORDER: The motion to reopen is denied.

Cite as *Matter of S-H-Y-L- Ltd.*, ID# 1495887 (AAO Apr. 3, 2018)