U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF T-F-S- INC.

DATE: APR. 12, 2017

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a retail flooring supplier, seeks to permanently employ the Beneficiary in the United States as a product line manager. The Petitioner requests classification of the Beneficiary as a skilled worker under the third preference category. *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(i), 8 U.S.C. § 1153(b)(3)(A)(i). This classification allows a U.S. employer to sponsor a foreign national, with at least two years of training or experience, for lawful permanent resident status.

The Director of the Texas Service Center denied the petition, a motion to reopen, and a motion to reconsider. We dismissed the subsequent appeal. The matter is now before us on a 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 February 23, 2017, 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 March 29, 2017, which is 34 days after the service date of the unfavorable decision. Therefore, the motion is untimely filed.

ORDER: The motion to reopen is denied.

Cite as *Matter of T-F-S-*, ID# 526142 (AAO Apr. 12, 2017)