U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF T-N-M-C-M-, INC.

DATE: AUG. 18, 2017

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, a garment manufacturer, seeks to employ the Beneficiary as a sewing machine operator. It requests his classification as an unskilled worker under the third-preference immigrant classification. *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(iii), 8 U.S.C. § 1153(b)(3)(A)(iii). This category allows a U.S. business to sponsor a foreign national with less than two years of training or experience for lawful permanent resident status.

The Director of the Texas Service Center denied the petition concluding that the Beneficiary married in a prior attempt to evade immigration laws, barring the petition's approval. On appeal, we affirmed the Director's decision. We also denied the subsequent motion to reopen and motion to reconsider. The matter is now before us on a motion to reopen and a motion to reconsider. Upon review, we will deny the motions.

A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or USCIS policy. A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

On motion, the Petitioner reasserts the same arguments addressed in the previous motions and the Petitioner's brief is substantively identical to the previously submitted brief. We previously addressed the Petitioner's assertions in our decisions on the appeal and motions to reopen and reconsider. The Petitioner has not asserted new facts to be proved in the reopened proceeding, and does not cite binding precedent decisions or other legal authority establishing that we or the director incorrectly applied the pertinent law or agency policy and that the prior decisions were erroneous based on the evidence of record at the time. Therefore, the motions do not satisfy applicable requirements.

ORDER: The motion to reopen is denied.

FURTHER ORDER: The motion to reconsider is denied.

Cite as *Matter of T-N-M-C-M-, Inc.*, ID# 804666 (AAO Aug. 18, 2017)