U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF F-F- LLC

DATE: JUNE 15, 2017

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, a manufacturer of spice mixtures and functional measures for meat, fish, and culinary products, seeks to employ the Beneficiary as a product development technologist. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. See Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Director of the Nebraska Service Center denied the petition and we dismissed the subsequent appeal. The matter is now before us on a motion to reconsider. 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 March 28, 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 May 15, 2017, which is 48 days after the service date of the unfavorable decision. Accordingly, we are denying the motion as untimely filed.

ORDER: The motion to reconsider is denied.

Cite as *Matter of F-F- LLC*, ID# 640171 (AAO June 15, 2017)