U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF H-J-F- LLC

DATE: MAR. 1, 2018

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-29, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a sushi restaurant, seeks to temporarily employ the Beneficiary as the administrative manager of its new office under the L-1A nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1A classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee to the United States to work temporarily in a managerial or executive capacity.

The Director of the Vermont Service Center denied the petition and 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 October 31, 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 December 5, 2017, 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* H-J-F- LLC, ID# 1292321 (AAO Mar. 1, 2018)