U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF H-L-N-A- LLC

DATE: MAY 9, 2018

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, planning to sell merchandise using an e-commerce platform and "offline physical shops," seeks to temporarily employ the Beneficiary as the chief operations officer of its 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 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 January 25, 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 March 12, 2018, which is 46 days after the service date of the unfavorable decision. We note that the Petitioner's previously attempt to timely file the motion was rejected because it was filed with the incorrect office. When our office rejects a motion, the motion does not retain a filing date that can be applied to a later filing. *See* 8 C.F.R. § 103.2(a)(7)(ii)-(iii). Accordingly, we are denying the motion as untimely filed.

ORDER: The motion to reconsider is denied.

Cite as *Matter of H-L-N-A- LLC*, ID# 1575967 (AAO May 9, 2018)