U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF S-S- LLC

DATE: MAY 31, 2018

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, a sports management, marketing, and communications company, seeks to amend[1] and extend the Beneficiary's temporary employment as its chief executive officer 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 California Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary would be employed in a managerial or executive capacity under the extended petition. The Petitioner appealed the Director's decision and we dismissed the appeal. We have since denied three subsequent combined motions to reopen and reconsider. The matter is now before us again 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 U.S. Citizenship and Immigration Services policy. 8 C.F.R. § 103.5(a)(3). A motion "is not a process by which a party may submit, in essence, the same brief presented on appeal [or a motion to reopen or reconsider an appeal] and seek reconsideration by generally alleging error." Matter of O-S-G-, 24 I&N Dec. 56, 58 (BIA 2006). 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 appeal and combined motions. In addition, the Petitioner's brief is substantively identical to the brief submitted on prior motion to reopen and motion to reconsider. We previously addressed the Petitioner's

[1] The Petitioner previously filed three L-1B classification petitions on behalf of the Beneficiary which authorized him to work in a specialized knowledge capacity as its "soccer promotions coordinator" for a total period of approximately 4 years and 10 months, from December 2010 until October 2015.

assertions in our prior decisions. 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 S-S- LLC*, ID# 1616703 (AAO May 31, 2018)