



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 10753367

Date: SEPT. 29, 2020

Motions on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Multinational Manager or Executive

The Petitioner, an operator of furniture stores, seeks to permanently employ the Beneficiary as its president under the first-preference, immigrant classification for multinational managers and executives. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C).

The Director of the Texas Service Center denied the petition and dismissed the Petitioner's following motion to reopen. We dismissed the Petitioner's appeal and its following seven combined motions to reopen and reconsider. We ruled that the Petitioner's most recent filings did not address our grounds for dismissing the business's sixth combined motions. *See In re: 5352820* (AAO Feb. 6, 2020).

The matter is before us again on the Petitioner's eighth combined motions to reopen and reconsider. The Petitioner bears the burden of establishing eligibility for the requested benefit. *See* section 291 of the Act, 8 U.S.C. § 1361. Upon review, we will dismiss the motions.

I. MOTION REQUIREMENTS

A motion to reopen must state new facts, supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). In contrast, a motion to reconsider must establish that our most recent decision misapplied law or U.S. Citizenship and Immigration Services policy based on the record at the time of the decision. 8 C.F.R. § 103.5(a)(3). We may grant motions that meet these criteria and establish eligibility for the requested benefit.

II. ANALYSIS

The Petitioner's current motions suffer from the same defect as the business's immediately preceding filings: they do not discuss our most recent grounds of dismissal. In our most recent decision, we ruled that the Petitioner's filings did not address our dismissal of the business's sixth combined motions as untimely. Similarly, the current motions do not discuss the reason for our most recent dismissals. The Petitioner does not submit evidence or argument that the business properly addressed the untimeliness of its sixth combined motions. Rather, the Petitioner submits evidence and argument regarding the nature of the Beneficiary's proposed employment and the business's purported qualifying relationship with his foreign employer. But the nature of the Beneficiary's proposed

employment and the Petitioner's claimed qualifying relationship with his foreign employer constitute our grounds for dismissing the Petitioner's appeal and first five combined motions. The Petitioner must address the grounds of our most recent dismissal.

III. CONCLUSION

The motions to reopen and reconsider do not address the dismissal grounds of our most recent decision. Thus, the filings do not demonstrate the Petitioner's eligibility for the requested benefit. We will therefore affirm the dismissals of the business's motions and appeal, and the petition's denial.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.