



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

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

In Re: 6842315

Date: DEC. 2, 2019

Motion on Administrative Appeals Office Decision

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

The Petitioner seeks to employ the Beneficiary as its chief executive officer under the first-preference, immigrant visa classification for multinational executives and managers. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C).

The Director of the Nebraska Service Center denied the petition. The Director concluded that, contrary to the Act and Department of Homeland Security regulations, the Petitioner did not demonstrate its proposed employment of the Beneficiary in an executive or managerial capacity, or her work abroad in such a role. We summarily dismissed the company's appeal.

The matter is before us again on the Petitioner's motions to reopen and reconsider. Upon review, we will dismiss the motions.

I. MOTION CRITERIA

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 prior decision misapplied law or policy based on the record at that time. 8 C.F.R. § 103.5(a)(3). If motions meet these requirements and overcome the prior denial grounds, we may grant them.

II. THE PETITIONER'S MOTIONS

We found that the Petitioner's appeal did not allege an erroneous conclusion of law or statement of fact. The appeal indicated that the Petitioner would submit a written brief or additional evidence within 30 days of the filing. But we did not receive any submission from the company during that period. Because the appeal did not specify its legal or factual basis, we had to summarily dismiss it. *See* 8 C.F.R. § 103.3(a)(1)(v).

The Petitioner's motion to reopen contains additional evidence, including copies of the company's federal income tax returns for 2017, and a notice and letter issued under the Beneficiary's name in her role as vice president of the Petitioner's affiliate in China. The motion to reconsider argues for the petition's approval, citing a 2014 non-precedent decision of ours. The new evidence and

argument, however, do not overcome the grounds of our appellate dismissal. The evidence and argument do not demonstrate that the Petitioner's appeal identified its legal or factual basis.

III. CONCLUSION

The Petitioner's motions do not establish that we summarily dismissed its appeal in error. We will therefore affirm our prior decision.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.