



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

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

In Re: 24283206

Date: DEC. 9, 2022

Motion on Administrative Appeals Office Decision

Form I-129, Petition for Nonimmigrant Worker (H-1B)

The Petitioner seeks to employ the Beneficiary under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

We incorporate by reference the procedural history within our most recent decision on the Petitioner's previous motion to reconsider; a decision we issued in July 2022. Within that decision, we dismissed the Petitioner's motion for their failure to satisfy the regulatory requirements for that type of motion. A motion to reconsider must:

- State the reasons for reconsideration;
- Be supported by any pertinent precedent decision to establish that the decision was based on an incorrect application of law or policy; and
- Establish that the decision was incorrect based on the evidence in the record at the time of the decision.

8 C.F.R. § 103.5(a)(3). A motion to reconsider that does not satisfy these requirements must be dismissed. 8 C.F.R. § 103.5(a)(4).

This motion filing has two shortcomings: (1) the Petitioner has again not met the filing requirements for a motion to reconsider bulleted above, and (2) it has not overcome the shortcomings we included in the July 2022 decision. Had the Petitioner satisfied items 1 and 2 listed above in this paragraph, only then may it address any issues that arose within a filing that preceded the July 2022 decision. Instead of addressing items 1 and 2 above, within this motion the Petitioner focuses on why their first motion filed in February 2021 should be excused even though they filed it after the regulatory prescribed period.

Because they have not satisfied the basic requirements for a motion to reconsider, nor overcome the reasons within our July 2022 decision, we will dismiss this motion.

ORDER: The motion to reconsider is dismissed.