



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

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

In Re: 28919072

Date: OCT. 31, 2023

Motion on Administrative Appeals Office Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1A Manager or Executive)

The Petitioner seeks to employ the Beneficiary as the general manager of its new office¹ under the L-1A nonimmigrant classification for intracompany transferees who are coming to be employed in the United States in a managerial or executive capacity. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The record reflects that following the denial of the petition, the Petitioner filed an appeal we dismissed. The Petitioner subsequently filed a combined motion to reopen and reconsider that we also dismissed, and then two additional consecutive motions to reopen, which we dismissed. The Petitioner later submitted an additional appeal that we rejected as improperly filed and a later filed a motion to reopen and motion to reconsider, both of which we dismissed. The matter is now before us again on another motion to reopen and a motion to reconsider.

In our prior decision issued in May 2023, we dismissed the prior motion to reopen and motion to reconsider because we rejected the prior appeal in December 2022. The rejected appeal was the second appeal in this proceeding, and we indicated that there is no statutory or regulatory provision that permits the filing of more than one appeal regarding the same petition. *See* 8 C.F.R. § 103.3(a)(1)(ii). On motion, the Petitioner states it has “provided credulous and verifiable supporting documentation with our previous motions, [and U.S. Citizenship and Immigration Services (USCIS)] is unwavering in their pursuit to deny this I-129 petition.” The Petitioner contends that it has demonstrated the Beneficiary’s eligibility for the benefit sought.

The scope of a motion is limited to “the prior decision” and “the latest decision in the proceeding.” 8 C.F.R. § 103.5(a)(1)(i), (ii). Therefore, we will only consider new evidence to the extent that it pertains to our latest decision dismissing the motion to reopen and motion to reconsider. The Petitioner’s contentions in support of the current motions merely reargues facts and issues we have already considered several times in our previous decisions. *See e.g., Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (“a motion to reconsider is not a process by which a party may submit, in essence, the same brief presented on appeal and seek reconsideration by generally alleging error in the prior

¹ The term “new office” refers to an organization which has been doing business in the United States for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a “new office” operation no more than one year within the date of approval of the petition to support an executive or managerial position.

Board decision”). “Motions for reopening immigration proceedings are disfavored for the same reasons as are petitions for rehearing and motions for a new trial on the basis of newly discovered evidence.” *INS v. Doherty*, 502 U.S. 314, 323 (1992) (citing *INS v. Abudu*, 485 U.S. 94 (1988)). Prior to rejecting its second appeal in December 2022, we considered and dismissed an appeal and three prior sets of motions the Petitioner previously filed. In those decisions, we thoroughly addressed the merits of this matter and the assertions the Petitioner again resubmits in support of the current motions. Here, the Petitioner has not provided new facts to establish that we erred in dismissing the prior motions. Because the Petitioner has not submitted new facts to demonstrate that our prior dismissal was incorrect, it has not established a basis to reopen our prior decision. Likewise, the Petitioner has also not articulated how our prior decision was inconsistent with applicable law or policy, and therefore, it has not met the requirements of a motion to reconsider. We will not re-adjudicate the petition anew and, therefore, the underlying petition remains denied.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.