



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

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

In Re: 7052597

Date: JAN. 16, 2020

Appeal of California Service Center Decision

PETITION: Form I-129, Petition for L-1B Specialized Knowledge Worker

The Petitioner is a logistics and transportation company that seeks to temporarily employ the Beneficiary as its “IT Specialist” under the L-1B nonimmigrant classification for intracompany transferees who possess specialized knowledge. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the California Service Center revoked the approval of the petition concluding that the Petitioner did not establish, as required, that the foreign entity is doing business. The Director also found that the Petitioner did not provide sufficient evidence to allow for verification of its claimed U.S. staffing.¹ The matter is now before us on appeal.

In these proceedings, it is the Petitioner’s burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will remand the matter for further consideration.

I. LEGAL FRAMEWORK

To establish eligibility for the L-1B nonimmigrant visa classification, a qualifying organization must have employed the beneficiary “in a capacity that is managerial, executive, or involves specialized knowledge,” for one continuous year within three years preceding the beneficiary’s application for admission into the United States. Section 101(a)(15)(L) of the Act. In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a specialized knowledge capacity. *Id.*

Under U.S. Citizenship and Immigration Services (USCIS) regulations, the approval of an L-1B petition may be revoked on notice under six specific circumstances. 8 C.F.R. § 214.2(l)(9)(iii)(A). To properly revoke the approval of a petition, a director must issue a notice of intent to revoke that contains a detailed

¹ Although the Director further found that the Beneficiary does not qualify for a change of status from a B1/B2 nonimmigrant to that of an L1B nonimmigrant because his B1/B2 nonimmigrant status was revoked, a determination regarding a nonimmigrant change of status is not appealable. 8 C.F.R. § 248.3(g). Therefore, we are precluded from addressing this issue in our decision.

statement of the grounds for the revocation and the time period allowed for rebuttal. 8 C.F.R. § 214.2(l)(9)(iii)(B).

II. BASIS FOR REMAND

We find that the Director's decision did not adequately explain the deficiencies in the evidence. *See* 8 C.F.R. § 103.3(a)(1)(i); *see also Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that a decision must fully explain the reasons for denying a motion to allow the respondent a meaningful opportunity to challenge the determination on appeal). The revocation was based, in part, on findings from three site visits to the Petitioner's claimed overseas business locations; however, neither the NOIR nor the revocation decision provided relevant information about those visits, such as the date(s) the visits were conducted or the information discovered at each location. Likewise, although the Director determined that the Petitioner did not provide sufficient evidence to establish that the Beneficiary's claimed foreign employer was doing business, the decision does not elaborate on that finding or explain how the submitted evidence was deficient. In light of the deficiencies in the NOIR decision, we find that the Director did not provide a meaningful opportunity to challenge the findings from the site visits and the other factors that led to the conclusion that the foreign entity was not doing business.

Further, although the Director found that a lack of evidence precluded verification of the Petitioner's claimed staffing, the Director did not explain how, if at all, such verification would impact any of the factors concerning the Petitioner's eligibility.

For these reasons, we will remand the matter for entry of a new decision. The Director may request any additional evidence deemed warranted and allow the Petitioner to submit such evidence within a reasonable period of time.

ORDER: The decision of the Director is withdrawn. The matter is remanded for further proceedings consistent with the foregoing opinion and for the entry of a new decision.