

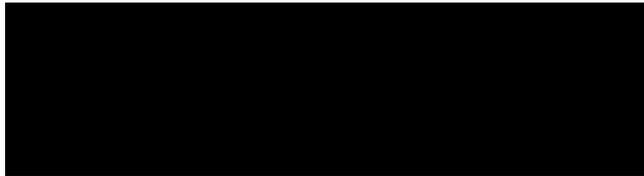
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U.S. Department of Homeland Security
20 Mass Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
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FILE: [Redacted]
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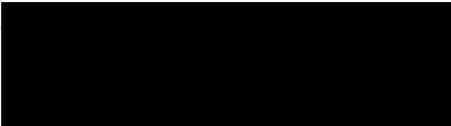
Office: CALIFORNIA SERVICE CENTER

Date: DEC 22 2015

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was approved by the Director, California Service Center. After further review of the record, the director issued a notice of his intent to revoke the approval of the petition. The director ultimately revoked the approval in a decision dated March 28, 2005. The matter has been certified to the Administrative Appeals Office (AAO) for review. The matter will be remanded for further consideration.

The petitioner was incorporated in 1994 in California and is engaged in the business of trading textiles. It seeks to employ the beneficiary as its president. Accordingly, the petitioner endeavors to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

On March 21, 2003, the director reopened the matter pursuant to a Citizenship and Immigration Services (CIS) motion. The director informed the petitioner that its Form I-140 petition might have been approved in error and stated that this realization materialized during the adjudication of the beneficiary's Form I-485 application for adjustment of status. Additional evidence and information was requested. The director subsequently issued a notice of decision in which he determined that the petitioner failed to establish its eligibility to classify the beneficiary as a multinational manager or executive.

The AAO reviewed the petitioner's appeal and withdrew the director's decision. The AAO determined that the director failed to comply with the regulations at 8 C.F.R. § 205.2, which specify the procedures CIS must follow in revoking approval of a petition. More specifically, the AAO determined that CIS failed to issue a notice of intent to revoke approval of the petition (NOIR). The matter was then remanded to the director for issuance of a new decision.

Although the director complied with the AAO's instructions by issuing a NOIR on January 3, 2005, the cover page of the NOIR indicates that the notice was sent to the petitioner's counsel at an outdated address. The record shows that on December 11, 2000 counsel notified CIS of his change of address and phone number. However, the NOIR was not sent to the new address and there is no indication that a duplicate NOIR was sent to the petitioner directly. As such, there is no indication that either counsel or the petitioner was properly notified of the director's intent prior to the final revocation as required by the regulation at 8 C.F.R. § 205.2(b).

Accordingly, the AAO must withdraw the director's decision and remand the case. The director is instructed to resend the NOIR to counsel's current address of record and give the petitioner the opportunity to address all of the noted deficiencies. The director shall then review any evidence and/or information submitted in response to the NOIR and determine whether revocation of the approval of the petition is warranted.

ORDER: The decision of the director dated March 28, 2005 is hereby withdrawn. The matter is remanded for further action and consideration consistent with the above discussion and entry of a new decision, which, if adverse to the petitioner, shall be certified to the AAO for review.