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U.S. Department of Homeland Security  
Citizenship and Immigration Services

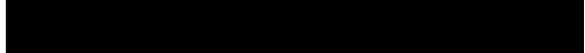
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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 Eye Street N.W.  
Washington, D. C. 20536



File:  Office: Texas Service Center Date:

IN RE: Petitioner:   
Beneficiary: 

DEC 13 2003

Petition: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER: 

**INSTRUCTIONS:**

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The preference visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration.

The petitioner is a manufacturer of veneer. It seeks to employ the beneficiary permanently in the United States as a warehouse supervisor. As required by statute, the petition is accompanied by a Form ETA 750 Application for Alien Employment Certification approved by the Department of Labor. The director denied the petition, but did not explicitly state the reason for that decision.

On appeal, counsel submits a brief and additional evidence.

Section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i), provides for the granting of preference classification to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing skilled labor (requiring at least two years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

When a Service officer denies a petition, the officer shall explain the specific reason for denial. 8 C.F.R. § 103.2(a)(1).

The petition and the evidence in its support contained some apparently contradictory facts. The decision of denial cited some of those facts and stated,

the opinion of the Service (is that) the petitioner has not shown (that) the integrity of the supplied information in the petition and (supporting documents) warrants a favorable decision.

That statement does not make clear the basis upon which the decision rests. Whether the director found that the proffered position is not supervisory or is otherwise not as stated in the accompanying labor certification is not stated. Whether the director found that the beneficiary does not have the requisite experience specified on the labor certification is unclear. The service center asked for evidence pertinent to the ownership of the petitioning corporation, and whether the decision rests in some way on the failure to provide that information is unclear. The decision below noted apparent inconsistencies in the petition and supporting materials pertinent to the petitioner's business location, but did not explicitly state in what way those inconsistencies rendered the petition unapprovable.

In addition to being contrary to 8 C.F.R. § 103.2(a)(1), the lack of specificity presents a practical problem. On appeal, counsel submits a wealth of documentation pertinent to the facilities the petitioner rents in various states to produce veneer, the workers the beneficiary allegedly supervises at those locations, the beneficiary's previous employment, the period during which the beneficiary has worked for the petitioner, the ownership of the petitioning corporation, the warehouse the petitioner now leases, and how long the petitioner has leased that location. This evidence addresses concerns mentioned in the decision, but this office is unable to determine whether the basis for the decision of denial has been overcome, absent an explicit statement of the basis for that decision.

**ORDER:** The petition is remanded for a new decision consistent with the foregoing.