

**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**



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

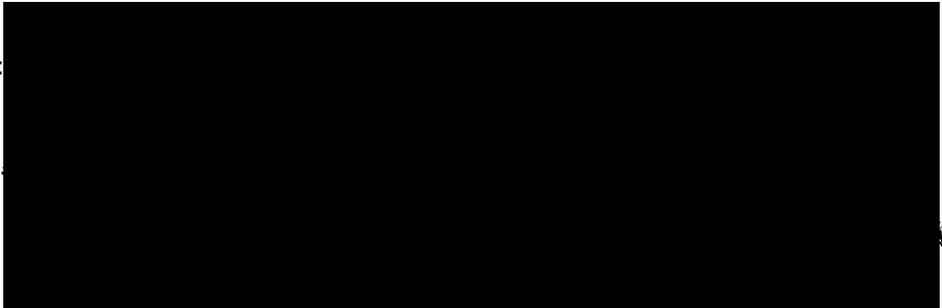
**PUBLIC COPY**

D10



FILE: WAC 04 157 51589 Office: CALIFORNIA SERVICE CENTER Date FEB 10 2005

IN RE: Petitioner:  
Beneficiaries:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(Q)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(Q)(i)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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 Director, California Service Center, initially approved the nonimmigrant visa petition. On June 7, 2004, the director notified the petitioner of his intent to revoke approval of the petition and subsequently exercised his discretion to revoke approval of the nonimmigrant visa petition on July 30, 2004. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

Under Citizenship and Immigration Services (CIS) regulations, the approval of a Q-1 petition may be revoked on notice in four specific circumstances. 8 C.F.R. § 214.2(q)(9)(iii). To properly revoke the approval of a petition, the director must issue a notice of intent to revoke that contains a detailed statement of the grounds for the revocation and the time period allowed for rebuttal. 8 C.F.R. § 214.2(q)(9)(iv).

In the present matter, the director provided a detailed statement of the grounds for the revocation but did not cite to the specific provision of the regulations as a basis for the revocation. Referring to the eligibility criteria at 8 C.F.R. § 214.2(q)(3)(iii)(B) and (C), the director reviewed the evidence and concluded that the petitioner had not established that the international cultural exchange program has a cultural component and that the beneficiaries would be employed primarily to share with the American Public the culture of the beneficiaries' country of nationality. Upon review, the director revoked the approval on the basis of 8 C.F.R. § 214.2(q)(9)(iii)(D): "[t]he Service approved the petition in error."

Section 101(a)(15)(Q)(i) of the Immigration and Nationality Act defines a nonimmigrant in this classification as:

an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Attorney General for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers.

The regulation at 8 C.F.R. § 214.2(q)(3) provides in pertinent part:

*International cultural exchange program.* -- (i) *General.* A United States employer shall petition the Attorney General on Form I-129, Petition for a Nonimmigrant Worker, for approval of an international cultural exchange program which is designed to provide an opportunity for the American public to learn about foreign cultures. The United States employer must simultaneously petition on the same Form I-129 for the authorization for one or more individually identified nonimmigrant aliens to be admitted in Q-1 status. These aliens are to be admitted to engage in employment or training of which the essential element is the sharing with the American public, or a segment of the public sharing a common cultural interest, of the culture of the alien's country of nationality. The international cultural exchange visitor's eligibility for admission will be considered only if the international cultural exchange program is approved.

\* \* \*

(iii) *Requirements for program approval.* An international cultural exchange program must meet all of the following requirements:

\* \* \*

(B) *Cultural component.* The international cultural exchange program must have a cultural component which is an essential and integral part of the international cultural exchange visitor's employment or training. The cultural component must be designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the international cultural exchange visitor's country of nationality. A cultural component may include structured instructional activities such as seminars, courses, lecture series, or language camps.

(C) *Work component.* The international cultural exchange visitor's employment or training in the United States may not be independent of the cultural component of the international cultural exchange program. The work component must serve as the vehicle to achieve the objectives of the cultural component. The sharing of the culture of the international cultural exchange visitor's country of nationality must result from his or her employment or training with the qualified employer in the United States.

The issue to be addressed in this proceeding is whether the petitioner established that its proposed program is eligible for designation by CIS, under section 101(a)(15)(Q)(i) of the Act, as an international cultural exchange program.

According to the evidence on the record, the petitioner described the cultural component of its program as follows:

Six Flags Mountain hosts many employee-only events, social gatherings and learning opportunities throughout the season that will enable each participant to meet new people, experience many different cultures, continue learning, and enjoy a unique side of the Hospitality business. . . .

It is important to point out that our employee and guest base span many different borders and cultural. These participants will potentially be able to share their culture with fellow employees that we are actively recruiting. . . .

The petitioner described the beneficiary's job duties: "[t]hey will work in our largest departments operating rides, working in food stands and selling gifts and souvenirs to our guests. . . ."

In response to the notice of intent to revoke, the petitioner indicated that it intended to place each beneficiary "in our front line departments . . . [where] they have the most exposure to our general public, fellow employees, and the community in which they will have the greatest opportunity for conversational and exhibit exchange." The petitioner further indicated that it would provide brochures on Brazilian culture and traditions to the beneficiaries to distribute to the general public. The petitioner stated that it planned to dedicate a week as "Brazilian Week" to exhibit Brazilian culture.

In review of the evidence initially submitted, it appears that the cultural component of the petitioner's international cultural exchange program is restricted to informal exchanges among its employees at social events and training sessions. The employment does not serve as a vehicle for sharing the history, culture and traditions of the country of the beneficiaries' nationality. The primary purpose of the petitioner's international exchange program is to sell food and provide entertainment rather than provide a cultural exchange program open to the public. The cultural component must be designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy or traditions of the international cultural exchange visitor's country of nationality. 8 C.F.R. § 214.2(q)(3)(iii)(B).

In rebuttal, the petitioner indicated that it intended to disseminate brochures about Brazil through the beneficiaries and stage a week-long exhibit on Brazil, however, the cultural component is incidental rather than an essential component of the petitioner's exchange program.

Upon review, the present petition was properly revoked as the prior petition was approved in error, contrary to the eligibility requirements provided for in the regulations.

On appeal, the petitioner asserts that it did respond to the director's notice of intent to revoke prior to the issuance of the revocation. The AAO incorporated the petitioner's response to the director's notice of intent to revoke into the record of proceedings.

The petitioner requested an oral argument because "there are many arguments . . . and [the petitioner] believe[s] that [oral argument] will enhance [the AAO's] understanding of [the] case." CIS has the sole authority to grant or deny a request for oral argument and will grant argument only in cases involving unique factors or issues of law that cannot be adequately addressed in writing. *See* 8 C.F.R. § 103.3(b). In this instance, counsel identified no unique factors or issues of law to be resolved. Moreover, the written record of proceedings fully represents the facts and issues in this matter. Consequently, the request for oral argument is denied.

**ORDER:** The appeal is dismissed.