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20 Mass, Rm. A3042, 425 I Street, N.W.
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U.S. Citizenship
and Immigration
Services



FILE: EAC 01 058 53949 Office: VERMONT SERVICE CENTER Date: FEB 02 2004

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

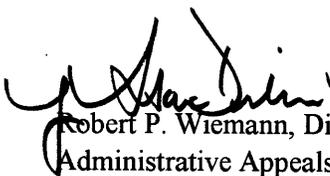
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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DISCUSSION: The nonimmigrant visa petition was revoked by the Director, Vermont Service Center, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The decision of the director will be withdrawn and the matter will be remanded for further action.

The petitioner is a computer consultant and software developer with one employee and a gross annual income in 2001 of \$150,535. It seeks to temporarily employ the beneficiary as a programmer analyst. The director approved the petition on May 31, 2001. On December 4, 2001, Kamana Romero, Vice Consul at the U.S. Embassy in New Delhi, India, sent the director a memorandum requesting that the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS), procure more evidence of the bona fides of the petitioner's company. On March 21, 2002 the director requested such evidence from the petitioner, allowing the petitioner 30 days in which to submit the documents. The petitioner failed to respond within the period allowed, so the director revoked the approval of the petition on August 13, 2002.

On appeal, the petitioner submits a statement and other documentation. The petitioner explains that counsel failed to give the petitioner the director's March 21, 2002 request for evidence, impeding the petitioner from responding in a timely manner.

The petitioner submits tax returns for 2000 and 2001, a balance sheet and income statement for the period ending December 2001, three months of bank statements and a letter of credit from PNC Bank, and evidence of general liability insurance. A review of this documentation reveals that the petitioner, albeit a small business, is a functioning business entity. As the director previously found that the petition was otherwise approvable, the director will need to determine whether the documentation now on the record establishes the bona fides of the petitioner's corporation. Accordingly, the matter will be remanded to make such a determination and to review all relevant issues. The director may request additional evidence that is deemed necessary. The petitioner may also provide additional documentation within a reasonable period to be determined by the director. Upon receipt of all evidence and representations, the director shall enter a new decision.

ORDER: The decision of the director is 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, is to be certified to the AAO for review.