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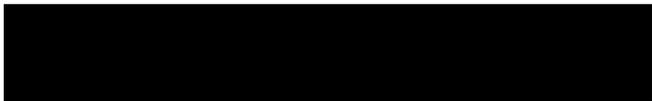
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File: WAC 05 011 51480 Office: CALIFORNIA SERVICE CENTER Date: FEB 02 2007

IN RE: Petitioner:
Beneficiary:



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

IN 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, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner filed this nonimmigrant visa petition seeking to extend the employment of its president as an L-1A nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner is a corporation organized under the laws of the State of Delaware and is allegedly engaged in the business of operating a restaurant. The petitioner claims a qualifying relationship with [REDACTED], located in Lima, Peru. The beneficiary was initially granted a one-year period of stay to open a new office in the United States and was subsequently granted a three year extension. The petitioner now seeks to extend the beneficiary's stay for an additional three years.

The director denied the petition concluding that the petitioner did not establish (1) that the petitioner and the organization which employed the beneficiary are qualifying organizations; and (2) that the beneficiary will be employed in the United States in a primarily managerial or executive capacity.

The petitioner filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, the petitioner asserts that the director erred and that the record establishes that the beneficiary is employed in a managerial or executive capacity. The petitioner also asserts that the record sufficiently proves that the petitioner and the foreign entity are qualifying organizations.

To establish eligibility for the L-1 nonimmigrant visa classification, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act. Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within three years preceding the beneficiary's application for admission into the United States. 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 managerial, executive, or specialized knowledge capacity.

The regulation at 8 C.F.R. § 214.2(l)(3) states that an individual petition filed on Form I-129 shall be accompanied by:

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.
- (ii) Evidence that the alien will be employed in an executive, managerial, or specialized knowledge capacity, including a detailed description of the services to be performed.
- (iii) Evidence that the alien has at least one continuous year of full time employment abroad with a qualifying organization within the three years preceding the filing of the petition.
- (iv) Evidence that the alien's prior year of employment abroad was in a position that was

managerial, executive or involved specialized knowledge and that the alien's prior education, training, and employment qualifies him/her to perform the intended services in the United States; however, the work in the United States need not be the same work which the alien performed abroad.

The first issue in the present matter is whether the petitioner has established that the petitioner and the foreign entity are qualifying organizations as required by 8 C.F.R. § 214.2(l)(3)(i).

The regulation at 8 C.F.R. § 214.2(l)(3) states that an individual petition filed on Form I-129 shall be accompanied by:

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.

8 C.F.R. § 214.2(i)(1)(ii)(G) defines a "qualifying organization" as a firm, corporation, or other legal entity which "meets exactly one of the qualifying relationships specified in the definitions of a parent, branch, affiliate or subsidiary specified in paragraph (l)(1)(ii) of this section." An "affiliate" is defined, in relevant part, as "one or two subsidiaries both of which are owned and controlled by the same parent or individual" or "one or two legal entities owned and controlled by the same group of individuals, each individual owning and controlling approximately the same share or proportion of each entity." A "subsidiary" is defined, in relevant part, as a corporation "of which a parent owns, directly or indirectly, more than half of the entity and controls the entity."

In the initial Form I-129 petition, the petitioner purports that the foreign entity, [REDACTED] owns 100% of the petitioner. However, the evidence provided by the petitioner is inconsistent with this averment. The petitioner provided copies of two stock certificates (#0 and #1) dated August 1, 2000. Certificate #1 was issued to [REDACTED] representing her ownership of 1,500 shares of the petitioner's stock (although the words "one thousand" appear in the body of the certificate). Certificate #0 was issued to [REDACTED] representing his ownership 1,000 shares of the petitioner's stock. No stock certificates issued to the foreign entity were produced. The petitioner also provided a copy of its 2003 Form 1120 in which it states that it is not a subsidiary of a parent corporation, that no one person owns more than 50% of its stock, and, importantly, that no foreign person owned more than 25% of the petitioner's stock.

On December 16, 2004, the director requested additional evidence. Specifically, the director requested that the petitioner explain the discrepancies in the record regarding its ownership and control.

In response, the petitioner provided three stock certificates that differ from the certificates provided with the initial Form I-129. These certificates show [REDACTED], and the beneficiary each owning 1,000 shares of the petitioner. The petitioner also provided a stock ledger showing stock issuances consistent with the certificates provided in response to the request for evidence. However, the petitioner did not offer any explanation for the discrepancies between the stock certificates, the Form I-129, and the petitioner's 2003 Form 1120.

On April 14, 2005, the director denied the petition concluding that the petitioner did not establish that the petitioner and the organization which employed the beneficiary are qualifying organizations. The director relied primarily on the fact that the petitioner failed to resolve any of the inconsistencies in the record regarding ownership and control of the petitioner by independent objective evidence.

On appeal, counsel to the petitioner reiterates that the beneficiary, [REDACTED] and [REDACTED] each own 1/3 of the petitioner's stock. Counsel also explains that the petitioner's completion of its Form 1120 was a "one time mistake." However, counsel does not attempt to resolve any of these inconsistencies with independent objective evidence.

Upon review, the petitioner's assertions are not persuasive.

The regulation and case law confirm that ownership and control are the factors that must be examined in determining whether a qualifying relationship exists between United States and foreign entities for purposes of this visa classification. *Matter of Church Scientology International*, 19 I&N Dec. 593 (BIA 1988); *see also Matter of Siemens Medical Systems, Inc.*, 19 I&N Dec. 362 (BIA 1986); *Matter of Hughes*, 18 I&N Dec. 289 (Comm. 1982). In the context of this visa petition, ownership refers to the direct or indirect legal right of possession of the assets of an entity with full power and authority to control; control means the direct or indirect legal right and authority to direct the establishment, management, and operations of an entity. *Matter of Church Scientology International*, 19 I&N Dec. at 595.

As general evidence of a petitioner's claimed qualifying relationship, stock certificates alone are not sufficient evidence to determine whether a stockholder maintains ownership and control of a corporate entity. The corporate stock certificate ledger, stock certificate registry, corporate bylaws, and the minutes of relevant annual shareholder meetings must also be examined to determine the total number of shares issued, the exact number issued to the shareholder, and the subsequent percentage ownership and its effect on corporate control. Additionally, a petitioning company must disclose all agreements relating to the voting of shares, the distribution of profit, the management and direction of the subsidiary, and any other factor affecting actual control of the entity. *See Matter of Siemens Medical Systems, Inc.*, *supra*. Without full disclosure of all relevant documents, Citizenship and Immigration Services (CIS) is unable to determine the elements of ownership and control.

The regulations specifically allow the director to request additional evidence in appropriate cases. *See* 8 C.F.R. § 214.2(l)(3)(viii). As ownership is a critical element of this visa classification, the director may reasonably inquire beyond the issuance of paper stock certificates into the means by which stock ownership was acquired. As requested by the director, evidence of this nature should include documentation of monies, property, or other consideration furnished to the entity in exchange for stock ownership. Additional supporting evidence would include stock purchase agreements, subscription agreements, corporate bylaws, minutes of relevant shareholder meetings, or other legal documents governing the acquisition of the ownership interest.

In this case, the petitioner failed to supply any corroborating evidence of its ownership, and the director correctly concluded that the petitioner failed to establish the existence of a qualifying relationship. Although

the petitioner submitted evidence of bank deposits of \$25,550.00 and \$47,950.00, the petitioner failed to connect these deposits to the stockholders or to the foreign entity. While counsel to the petitioner explains on appeal that the "paper trail" evidencing capitalization of the United States entity may be lacking due to of the familial connection between the beneficiary and the foreign stockholders, this is not a viable excuse for failing to establish ownership and control as mandated by the regulations. Therefore, in the absence of any evidence establishing the means by which the stock was acquired, especially in view of the contradictory stock certificates and other averments in the record, the petitioner has not established that it has a qualifying relationship with the foreign entity.

Moreover, as correctly concluded by the director, the petitioner did not resolve any of the serious inconsistencies in the record regarding ownership and control by independent objective evidence. As explained above, not only has the petitioner supplied two versions of its stock certificates evidencing different proportions of ownership, but both versions contradict averments made in the Form I-129 and in the petitioner's 2003 Form 1120. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). While counsel to the petitioner described the inconsistency in the tax return as a "one time mistake," she provided no evidence corroborating this assertion and failed to explain how or why this mistake was made. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. at 591. Therefore, since the record indicates that the petitioner and the foreign entity do not have a qualifying relationship, the petition may not be approved.

Accordingly, the petitioner has not established that the petitioner and the foreign entity are qualifying organizations as required by 8 C.F.R. § 214.2(I)(3).

The second issue in the present matter is whether the beneficiary will be employed by the United States entity in a primarily managerial or executive capacity.

Section 101(a)(44)(A) of the Act, 8 U.S.C. § 1101(a)(44)(A), defines the term "managerial capacity" as an assignment within an organization in which the employee primarily:

- (i) manages the organization, or a department, subdivision, function, or component of the organization;
- (ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;
- (iii) if another employee or other employees are directly supervised, has the authority to

hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization), or if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

- (iv) exercises discretion over the day to day operations of the activity or function for which the employee has authority. A first line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor's supervisory duties unless the employees supervised are professional.

Section 101(a)(44)(B) of the Act, 8 U.S.C. § 1101(a)(44)(B), defines the term "executive capacity" as an assignment within an organization in which the employee primarily:

- (i) directs the management of the organization or a major component or function of the organization;
- (ii) establishes the goals and policies of the organization, component, or function;
- (iii) exercises wide latitude in discretionary decision making; and
- (iv) receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

The petitioner does not clarify whether the beneficiary is claiming to be primarily engaged in managerial duties under section 101(a)(44)(A) of the Act, or primarily executive duties under section 101(a)(44)(B) of the Act, and implies in its appeal that the beneficiary is acting as both. A beneficiary may not claim to be employed as a hybrid "executive/manager" and rely on partial sections of the two statutory definitions. If the petitioner is indeed representing the beneficiary as both an executive *and* a manager, it must establish that the beneficiary meets each of the four criteria set forth in the statutory definition for executive and the statutory definition for manager.

In the Form I-129, the petitioner described the beneficiary's job duties as follows: "[The beneficiary] has been the president and administrator of [the petitioner]. He has been actively seeking to establish a profitable business in the food service industry. Full administration/control of the [U.S.] business." The remainder of the initial petition is devoid of evidence establishing the beneficiary's job duties.

On March 11, 2004, the director requested additional evidence. Specifically, the director requested evidence establishing that the beneficiary will be employed in a managerial or executive capacity including, *inter alia*, an organizational chart of the United States operation, wage reports for employees, and a description of the beneficiary's duties. Title 8 C.F.R. § 214.2(l)(14)(i) specifically permits the director to request supporting documentation in the context of an L-1 extension petition.

In response, the petitioner submitted a list of goals, decisions, and duties as follows:

Goals List

- Keep the company growing
- Find new spots/business for the company (new markets/businesses)

Decisions

- Change Employees/Schedules
- Alarms System Installation
- Credit Card/ATM Machine Installation
- Change Menu/Prices
- Advertisement (Downtown Newspaper (Garment & Citizen)
 - / Peruvian Newspaper (Ultime Hora)
 - / Internet Ad (Verizon – Yellow Pages)
 - / Magnets)
- Open bank account (Bank of America)
- Add a new kind of business for the company (Ice cream business./ Distribution)
(Opens in March ' 05)

Duties (day-to-day)

- Manages the business
- Cashier
- Hires employees
- Makes Payment
- Banking
- Purchases
- Paperwork
- Contact with accountant
- Keep Peruvian company informed
- Looking for new markets for the company

The petitioner also supplied an organizational chart, employee list, and wage reports establishing that he supervises three restaurant employees (a cook and two helpers).

On April 14, 2005, the director denied the petition. The director determined that the petitioner did not establish that the beneficiary will be employed in the United States in a primarily managerial or executive capacity.

On appeal, the petitioner asserts that the beneficiary's duties are primarily those of an executive or manager. Counsel argues that the beneficiary manages and directs the entire business and thus qualifies as a manager/executive of the company.

Upon review, the petitioner's assertions are not persuasive.

When examining the executive or managerial capacity of the beneficiary, the AAO will look first to the

petitioner's description of the job duties. *See* 8 C.F.R. § 214.2(l)(3)(ii). The petitioner's description of the job duties must clearly describe the duties to be performed by the beneficiary and indicate whether such duties are either in an executive or managerial capacity. *Id.* As explained above, a petitioner cannot claim that some of the duties of the position entail executive responsibilities, while other duties are managerial. A beneficiary may not claim to be employed as a hybrid "executive/manager" and rely on partial sections of the two statutory definitions.

The petitioner has failed to prove that the beneficiary will act in a "managerial" capacity by primarily managing a department, subdivision, function, or component of the organization. In support of its petition, the petitioner has provided a vague and nonspecific description of the beneficiary's duties that fails to demonstrate what the beneficiary does on a day-to-day basis. Moreover, the description lists non-qualifying duties such as working as a cashier and "banking." These are administrative or operational tasks, not managerial or executive duties, and it is essential that the petitioner establish what percentage of the beneficiary's time is dedicated to performing such non-qualifying duties. An employee who "primarily" performs the tasks necessary to produce a product or to provide services is not considered to be "primarily" employed in a managerial or executive capacity. *See* sections 101(a)(44)(A) and (B) of the Act (requiring that one "primarily" perform the enumerated managerial or executive duties); *see also Matter of Church Scientology International*, 19 I&N Dec. at 604. The petitioner, however, did not provide a breakdown of the beneficiary's duties nor did it fully describe those duties which are arguably managerial in nature. Absent a clear and credible breakdown of the time spent by the beneficiary performing his duties, the AAO cannot determine whether the petitioner is primarily engaged in performing managerial duties. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972). Specifics are clearly an important indication of whether a beneficiary's duties are primarily executive or managerial in nature; otherwise meeting the definitions would simply be a matter of reiterating the regulations. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d. Cir. 1990).

The petitioner also failed to prove that the beneficiary "supervises and controls the work of other supervisory, professional, or managerial employees." According to the petition, the beneficiary is directly supervising three employees, a cook and two helpers. However, the job descriptions for these employees clearly establish that they are performing the tasks necessary to produce a product or to provide a service, and the beneficiary's supervision of them establishes that he is, at most, a first-line supervisor. A managerial or executive employee must have authority over day-to-day operations beyond the level normally vested in a first-line supervisor, unless the supervised employees are professionals. 101(a)(44)(A)(iv) of the Act; *see also Matter of Church Scientology International.*, 19 I&N Dec. at 604. Here, since the restaurant employees are clearly not professionals, the petitioner has not proven that the beneficiary is employed in a managerial capacity.

Furthermore, the petitioner has not proven that the beneficiary will manage an "essential function" of the organization. The term "function manager" applies generally when a beneficiary does not supervise or control the work of a subordinate staff but instead is primarily responsible for managing an "essential function" within the organization. *See* section 101(a)(44)(A)(ii) of the Act. The term "essential function" is not defined by statute or regulation. If a petitioner claims that the beneficiary is managing an essential function, the petitioner must furnish a written job description that clearly describes the duties to be performed

in managing the essential function, i.e., identify the function with specificity, articulate the essential nature of the function, and establish the proportion of the beneficiary's daily duties attributed to managing the essential function. See 8 C.F.R. § 214.2(l)(3)(ii). In addition, the petitioner's description of the beneficiary's daily duties must demonstrate that the beneficiary manages the function rather than performs the duties related to the function. An employee who primarily performs the tasks necessary to produce a product or to provide services is not considered to be employed in a managerial capacity. *Boyang, Ltd. v. I.N.S.*, 67 F.3d 305 (Table), 1995 WL 576839 (9th Cir, 1995) (citing *Matter of Church Scientology International*, 19 I&N Dec. at 604). In this matter, the petitioner has not provided evidence that the beneficiary manages an essential function.

As explained above, the petitioner's vague job description fails to document what proportion of the beneficiary's duties would be managerial and what proportion would be non-managerial. The petitioner lists the beneficiary's duties as managerial, but it fails to define them with enough specificity to determine which functions are being managed and which functions are being performed directly by the beneficiary. This failure of documentation is important because several of the beneficiary's daily tasks, as itemized above, do not fall directly under traditional managerial duties as defined in the statute. Absent a clear and credible breakdown of the time spent by the beneficiary performing his duties with more specificity, the AAO cannot determine what proportion of his duties would be managerial, nor can it deduce whether the beneficiary is primarily performing the duties of a function manager. See *IKEA US, Inc. v. U.S. Dept. of Justice*, 48 F. Supp. 2d 22, 24 (D.D.C. 1999). Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190. Specifics are clearly an important indication of whether a beneficiary's duties are primarily executive or managerial in nature; otherwise meeting the definitions would simply be a matter of reiterating the regulations. *Fedin Bros. Co., Ltd.*, 724 F. Supp. 1103, *aff'd*, 905 F.2d 41.

Similarly, the petitioner has failed to prove that the beneficiary has been or will act in an "executive" capacity. The statutory definition of the term "executive capacity" focuses on a person's elevated position within a complex organizational hierarchy, including major components or functions of the organization, and that person's authority to direct the organization. Section 101(a)(44)(B) of the Act. Under the statute, a beneficiary must have the ability to "direct the management" and "establish the goals and policies" of that organization. Inherent to the definition, the organization must have a subordinate level of managerial employees for the beneficiary to direct and the beneficiary must primarily focus on the broad goals and policies of the organization rather than the day-to-day operations of the enterprise. An individual will not be deemed an executive under the statute simply because they have an executive title or because they "direct" the enterprise as the owner or sole managerial employee. The beneficiary must also exercise "wide latitude in discretionary decision making" and receive only "general supervision or direction from higher level executives, the board of directors, or stockholders of the organization." *Id.* As indicated above, the petitioner has failed to establish that the beneficiary, who is apparently acting as a first-line manager and/or is performing the tasks necessary to produce a product or provide a service, will be acting primarily in an executive capacity.

Accordingly, the petitioner has not established that the beneficiary will be employed in a primarily managerial or executive capacity, and the petition may not be approved for this reason.

It is appropriate for CIS to consider the size of the petitioning company in conjunction with other relevant factors, such as a company's small personnel size, the absence of employees who would perform the non-managerial or non-executive operations of the company, or a "shell company" that does not conduct business in a regular and continuous manner. *See, e.g. Systronics Corp. v. INS*, 153 F. Supp. 2d 7, 15 (D.D.C. 2001).

Despite any number of previously approved petitions, Citizenship and Immigration Services (CIS) does not have any authority to confer an immigration benefit when the petitioner fails to meet its burden of proof in a subsequent petition. *See* section 291 of the Act, 8 U.S.C. § 1361. The prior approvals do not preclude CIS from denying an extension of the original visa based on a reassessment of petitioner's qualifications. *Texas A&M Univ. v. Upchurch*, 99 Fed. Appx. 556, 2004 WL 1240482 (5th Cir. 2004). Therefore, even though the petitioner was successful in the past in petitioning for the beneficiary, the director properly denied the petition in this case.

Furthermore, if the previous nonimmigrant petitions were approved based on the same unsupported and contradictory assertions that are contained in the current record, the approval would constitute material and gross error on the part of the director. The AAO is not required to approve an application or petition where eligibility has not been demonstrated merely because of prior approvals that may have been erroneous. *See, e.g., Matter of Church Scientology International*, 19 I&N Dec. at 597. It would be absurd to suggest that CIS or any agency must treat acknowledged errors as binding precedent. *Sussex Engr. Ltd. v. Montgomery*, 825 F.2d 1084, 1090 (6th Cir. 1987), *cert. denied*, 485 U.S. 1008 (1988).

Beyond the decision of the director, the minimal documentation of the petitioner's business operations raises the issue of whether the petitioner is and will be a qualifying organization "doing business" in the United States. Specifically, under the regulation at 8 C.F.R. § 214.2(l)(1)(ii)(H), a petitioner is "doing business" if it is engaged in the regular, systematic, and continuous provision of goods or services. In this case, the petitioner indicates in its initial petition dated October 11, 2004, that it sold its first restaurant, El Gran Taco, in July 2003. Five months later, in December 2003, the petitioner acquired a different restaurant, Pollo Land. While counsel does explain in her letter dated October 12, 2004 that the petitioner acquired Pollo Land after an "extensive search," no further explanation as to the petitioner's business activities during this five month period was offered by the petitioner. Given this unexplained gap in the provision of goods and services, it cannot be concluded that the petitioner has been doing business in the United States as required by the regulations. For this additional reason, the appeal must be dismissed and the petition denied.

An application or petition that fails to comply with the technical requirements of the law may be denied by the AAO even if the Service Center does not identify all of the grounds for denial in the initial decision. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*, 345 F.3d 683 (9th Cir. 2003); *see also Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989) (noting that the AAO reviews appeals on a *de novo* basis).

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. When the AAO denies a petition on multiple alternative grounds, a plaintiff can succeed on a challenge only if it is shown that the AAO abused its discretion with respect to all of the AAO's enumerated grounds. *See Spencer Enterprises, Inc.*, 229 F. Supp. 2d at 1043.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act. Here, that burden has not been met. Accordingly, the appeal will be dismissed.

Finally, based on the reasons for the denial of the instant petition, a review of the prior L-1 nonimmigrant petitions approved on behalf of the beneficiary is warranted to determine if they were also approved in error. Therefore, the director shall review the prior L-1 nonimmigrant petitions approved on behalf of the beneficiary for possible revocation in accordance with 8 C.F.R. § 214.2(l)(9).

ORDER: The appeal is dismissed.

FURTHER ORDERED: The director shall review the prior L-1 nonimmigrant petitions approved on behalf of the beneficiary for possible revocation pursuant to 8 C.F.R. § 214.2(l)(9).