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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

FILE: SRC 02 271 50822 Office: TEXAS SERVICE CENTER Date: AUG 1 9 2004

IN RE: Petitioner: [redacted]
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)

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

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

DISCUSSION: The Director, Texas Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further action.

The petitioner filed this nonimmigrant petition seeking to extend the employment of its human resources and translation manager 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 in the State of Florida. The petitioner states that it is a subsidiary of Computacion JMC 33, located in Venezuela. The beneficiary was initially granted a one-year period of stay to assist in the opening of a new office in the United States. The petitioner now seeks to extend the beneficiary's stay.

On April 29, 2003, the director denied the petition concluding that the petitioner failed to establish that the beneficiary would be employed in the United States in a managerial or executive capacity. The director noted that the petitioner responded to CIS's request for additional evidence, dated October 30, 2002. However, the petitioner's response is not currently in the record of proceeding. Therefore, this case will be remanded for the purpose of locating the petitioner's response to the request for additional evidence or, in the alternative, for the purpose of allowing the petitioner the opportunity to provide its original response to CIS's request. After entering a new decision, the director shall certify the matter to the AAO for review pursuant to 8 C.F.R. § 103.4(a)(1).

ORDER: The decision of the director is withdrawn. The petition is remanded to the director for further action in accordance with the foregoing and entry of a new decision which shall be certified to the AAO for review.