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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090



U.S. Citizenship and Immigration Services

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B4

FILE:

SRC 96 219 51563

Office: HOUSTON

Date: JAN 21 2010

IN RE:

Petitioner:

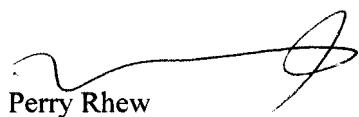
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

COURTESY COPY MAILED TO:

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.


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, initially approved the employment-based immigrant visa petition. The director of the Houston district office issued a notice of intent to revoke the approval, and ultimately revoked approval of the petition on March 16, 2001. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will withdraw the decision of the district director and remand the matter to the Houston district office.

The petitioner filed the instant immigrant petition to classify the beneficiary as a multinational manager or executive pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. §1153(b)(1)(C). The petition was initially approved on August 27, 1996. On November 9, 2000, the director of the Houston district office issued a notice of intent to revoke approval of the petition. The district director issued a decision revoking the approval of the petition on March 16, 2001, concluding that the beneficiary would not be employed in the United States in a primarily managerial or executive capacity.

The AAO will withdraw the director's decision dated March 16, 2001 and remand the matter to the district director for further review.

The AAO notes that while the majority of the evidence in the record relates to the instant beneficiary with A-number [REDACTED], the record of proceeding contains the original Form I-140, Immigrant Petition for Alien Worker, filed on behalf of the same petitioner for another individual, with A-number [REDACTED] (SRC 96 214 51317). The Form I-140 pertaining to the instant beneficiary, with receipt number SRC 96 219 51563, is not part of the record.

Because this critical document is missing, the AAO cannot determine whether the beneficiary is eligible for the requested visa classification. In making a determination of statutory eligibility, officers of U.S. Citizenship and Immigration Services are limited to the information contained in the record of proceeding. See 8 C.F.R. § 103.2(b)(16)(ii). Here the record is incomplete.

As the record does not contain the petition which was the subject of the revocation proceeding, the director's decision will be withdrawn. The matter is remanded to the district director, who is instructed to ensure that the record of proceeding is complete. After preparing a complete record of proceeding, the director shall enter a new decision and certify it to the AAO for review pursuant to 8 C.F.R. § 103.4(a).

ORDER: The decision of the district director is withdrawn and the matter is remanded to the director for entry of a new decision, which shall be certified to the AAO for review.