



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: **OCT 02 2013** OFFICE: VERMONT SERVICE CENTER FILE: [REDACTED]

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:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

(b)(6)

**DISCUSSION:** The service center director initially approved the nonimmigrant visa petition. Upon subsequent review of the record, the director issued a notice of intent to revoke (NOIR) the approval of the petition, and ultimately did revoke the approval of the petition. The matter is now on appeal before the Administrative Appeals Office (AAO). The director's decision to revoke the approval of the petition is withdrawn. The matter will be remanded to the service center director for the issuance of a new NOIR.

On the Form I-129 visa petition, the petitioner describes itself as an endocrinology and metabolism office established in 1985. In order to employ the beneficiary in what it designates as a medical researcher position, the petitioner seeks to classify her as a nonimmigrant worker in a specialty occupation 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).

The director initially approved the petition. Subsequent to the petition's approval, the United States Embassy in Manila, Philippines returned the petition to the director for review. The director reviewed the information from the embassy and issued a NOIR. However, not all of the information contained in the NOIR was relevant to the instant petition. The petitioner did not respond to the NOIR. On May 21, 2012, the director revoked the approval of the petition.

On April 23, 2013, the service center issued a Notice of Transmittal to the AAO. In the notice, the director acknowledged that the petitioner should be provided with a proper notice of the director's intent to revoke that is relevant as to person, place, position, and date so that the petitioner can submit a proper response. The director requested that the AAO remand the case for issuance of a new NOIR.

The AAO notes that with regard to revocation on notice, the petitioner must be provided with a notice of intent to revoke that contains a detailed statement of the grounds for the revocation in accordance with 8 C.F.R. § 214.2(h)(11)(iii)(A) and (B). In the instant case, the petition will be remanded to the director for the issuance of a new NOIR in accordance with the applicable provisions.

**ORDER:** The director's decision to revoke the approval of the petition is withdrawn. The matter is remanded for the issuance of a new NOIR.