



U.S. Citizenship  
and Immigration  
Services

Non-Precedent Decision of the  
Administrative Appeals Office

MATTER OF U-P- INC.

DATE: OCT. 28, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a shoe manufacturer, seeks to employ the Beneficiary as a market research analyst and to classify her as a nonimmigrant worker in a specialty occupation. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The Director, Vermont Service Center, initially approved the petition. Upon subsequent review of the record, the Director issued a notice of intent to deny the approval of the petition, and ultimately denied the petition. The matter is now before us on appeal.

There are specific standards for revoking the approval of a nonimmigrant visa petition. *See, e.g.*, 8 C.F.R. § 214.2(h)(11). Once the Director contemplates reversing the decision on an approved nonimmigrant petition, the proper course of action is to send the petitioner a notice of intent to revoke the petition – rather than as here, an intention to deny the petition. If a petitioner does not overcome the grounds for revocation, the Director may revoke the petition (not deny the petition).

We hereby withdraw the Director's decision. The matter will be remanded to the Director for further review in accordance with this decision.

**ORDER:** The matter is remanded to the Director, Vermont Service Center, for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

Cite as *Matter of U-P- Inc.*, ID# 14236 (AAO Oct. 28, 2015)