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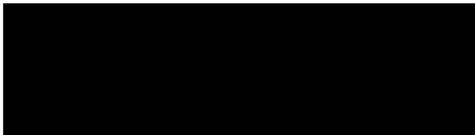
U.S. Department of Homeland Security  
20 Massachusetts Ave. N.W., Room 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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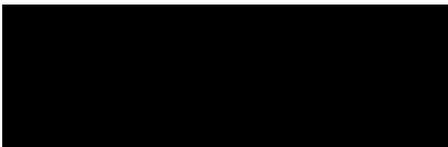
File: [Redacted] Office: TEXAS SERVICE CENTER Date: NOV 05 2007  
SRC 02 245 50597

IN RE: Petitioner:  
Beneficiary:



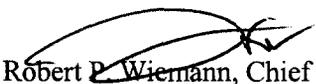
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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, Texas Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a Texas corporation that claims to be a subsidiary of M/S Ethnic Zarab Khana Saray, located in Kashmir, India. The petitioner claims to be engaged in the import and export of oriental rugs, and seeks 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 initial new office petition (SRC 01 201 52982) was approved on August 13, 2001. The petitioner's request to extend the beneficiary's status based on that petition was filed on August 12, 2002 (SRC 02 245 50597).

On the basis of new information received and upon further review of the record, the director determined that the beneficiary was not eligible for the benefit sought under the initial new office petition. Accordingly, the director properly served the petitioner with a notice of her intention to revoke the approval of the nonimmigrant visa petition (SRC 01 201 52982) and her reasons therefore on July 1, 2002. Specifically, the director noted that the beneficiary was involved in a traffic stop, at which time he stated that he was on his way to "lay carpet." The director determined that the task of "laying carpet" was not a qualifying duty for an executive employee, upon which basis the beneficiary's L-1A visa status had been granted. In addition, the director noted that the beneficiary appeared to have provided false information to consular officials in order to obtain his visa. With regard to the revocation, the director stated: "[y]ou are afforded thirty days from receipt of this notice to submit information in rebuttal. If you do not respond, the petition will be revoked as of the date of the approval." On September 20, 2002, the director revoked the initial petition, noting that the petitioner failed to respond to the notice of intent to revoke issued on July 1, 2002.

On November 1, 2002, the director denied the petitioner's request to extend the beneficiary's status (SRC 02 245 50597), noting that the initial petition upon which the extension request was based had been revoked on September 20, 2002. The director further noted that, as a result of the initial petition's revocation, the beneficiary failed to maintain his previously accorded status, and thus the request for extension under the initial petition must be denied.

On November 27, 2002, counsel for the petitioner filed a motion to reopen the nonimmigrant visa petition (SRC 01 201 52982). In the motion, the petitioner claimed that the evidence requested by the director in the July 1, 2002 notice of intent to revoke had been forwarded to the service on August 1, 2002 and was received by the service on August 2, 2002. In support of this contention, counsel for the petitioner submits a copy of the United States Postal Service's shipment history, verifying that the petitioner's response was received by the Texas Service Center on August 2, 2002. Counsel further explained that since the beneficiary's initial L-1A status was due to expire on August 12, 2002, a timely extension was filed pending the service center's review of the petitioner's response to the notice of intent to revoke the initial petition. Finally, counsel asserts that neither she nor the petitioner received a copy of the revocation of the initial petition (SRC 01 201 52982), and claims that until the denial of the extension request was issued on November 1, 2002, they were unaware that the petition had been revoked.

On October 12, 2006, the director denied the motion and affirmed the revocation of the petition. The director noted that the information pertaining to the contents of the package sent to the Service Center was handwritten, as opposed to typed in conformance with the other information on the receipt. The director

concluded, therefore, that the handwritten portion was likely added at a later date, particularly in light of the fact that the sender and addressee information, which was typed, is significantly faded in relation to the handwritten portion. Accordingly, the director concluded that the information requested in the notice of intent to revoke had not been submitted in a timely manner, and thus denied the motion.

The matter before the AAO is whether the director erred in denying the petitioner's request to extend the beneficiary's L-1A status (SRC 02 245 50597).

The regulation at 8 C.F.R. § 214.2(l)(14)(i) provides in pertinent part:

A petition extension may be filed only if the validity of the original petition has not expired.

In this matter, the initial nonimmigrant petition upon which the request for extension is based was revoked on September 20, 2002. As discussed above, the revocation of the initial petition was reopened by the director pursuant to counsel's motion on November 27, 2002. The director denied the motion and affirmed the revocation of the initial petition on October 12, 2006.

Upon review, the AAO concurs with the director's denial of the extension.<sup>1</sup> The petitioner's request to extend the beneficiary's status must be denied, for there is no basis upon which to extend a revoked petition. Once a petition has been revoked, it is retroactively revoked to the date of its original approval. As such, it can no longer be considered valid for purposes of a subsequent petition extension. In other words, the petition's revocation effectively severs any bridge that may have been initially created for any future immigration benefit dependent on said petition. Since the beneficiary's status was revoked on September 20, 2002, the request for extension cannot be approved and is therefore 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).

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> Although the director focuses primarily on the extension of stay request, a benefit which has no right of appeal, and while she may have confused stay with status, it is clear that the director's conclusion to deny the petition extension was correct for the reasons stated herein.