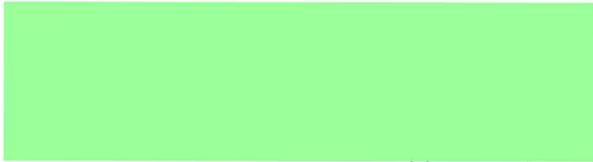


(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

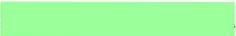


U.S. Citizenship
and Immigration
Services



DATE: **FEB 20 2013**

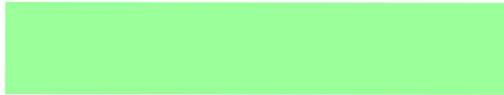
Office: VERMONT SERVICE CENTER

FILE: 

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)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,


Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, initially approved the nonimmigrant visa petition. The director subsequently issued a notice of intent to revoke the approval of the petition and ultimately issued a notice of revocation due to the petitioner's lack of response. The matter is now before the Administrative Appeals Office (AAO) on appeal. The decision of the director will be withdrawn and the petition will be remanded for further action and entry of a new decision.

The petitioner filed this nonimmigrant petition seeking to classify the beneficiary as an L-1B 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, an Indian entity, states it is the parent of [REDACTED] a Texas corporation established in December 1995. The petitioner indicates that it is a supplier of software products and services in the global market. The petitioner seeks to employ the beneficiary as its assistant marketing manager for a period of three years.

The director initially approved the petition for a three-year period commencing on December 17, 2010. The director issued a Notice of Intent to Revoke ("NOIR") the approved petition on February 24, 2011. USCIS electronic records reflect that the petitioner timely responded with rebuttal evidence; however, the evidence submitted by the petitioner is not found in the physical file. On March 26, 2012, the director issued a second NOIR advising the petitioner that its previous response was not located in the physical file and reiterating the reasons for revocation of the approved petition. The director ultimately revoked the approval of the petition on July 9, 2012, concluding that the petitioner failed to respond to the NOIR issued on March 26, 2012.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, the petitioner asserts that it responded timely to the director's first NOIR issued on February 24, 2011 with sufficient evidence to overcome the reasons for revocation. The petitioner does not address the second NOIR issued on March 26, 2012. The petitioner submits a letter, documentary proof that USCIS received its timely response to the first NOIR, and a duplicate copy of said response.

At this time, the AAO takes no position on whether the beneficiary qualifies for the classification sought. The director revoked the petition on the basis that the petitioner failed to respond to the NOIR; however, the petitioner has sufficiently demonstrated that it did provide a timely response. As the petitioner re-submits its response to the NOIR on appeal, the AAO will remand this matter to the director for a new decision with respect to the issues addressed in the NOIR.

ORDER: The director's decision is withdrawn. The petition is remanded to the director for entry of a new decision, which, if unfavorable to the petitioner, shall be certified to the AAO.