U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 16228968

Date: APR. 16, 2021

Motion on Administrative Appeals Office Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner identifies itself as a business that cultivates, manufactures, dispenses, and conducts laboratory testing of cannabinoid medicines. It seeks to employ the Beneficiary temporarily as its "Senior Vice President, Head of Business Development" under the L-1A nonimmigrant classification for intracompany transferees who are coming to be employed in the United States in a managerial or executive capacity. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the Texas Service Center revoked approval of the petition concluding that (1) the Petitioner is engaged in business activities that contravene a federal law and (2) the Beneficiary's employment abroad was not in a managerial or executive capacity. We then dismissed the Petitioner's appeal because we concluded that the Petitioner did not overcome the determination that it operates a business that is in violation of a federal statute.

Upon review, we will dismiss the motion.

I. REQUIREMENTS OF A MOTION TO REOPEN

A motion to reopen is based on factual grounds and must (1) state the new facts to be provided in the reopened proceeding; and (2) be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

In addition, the new facts in a motion to reopen must possess such significance that "the new evidence offered would likely change the result in the case." *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992). In other words, a motion to reopen should only be granted under a limited set of circumstances where the Petitioner demonstrates that the new evidence would result in a different outcome. *See id.*

II. ANALYSIS

As a preliminary matter, we note that the scope of review in any motion is narrowly limited to the basis of the prior adverse decision. As noted above, in the prior adverse decision we addressed the

sole issue of whether the Director correctly concluded that the petition did not merit approval because the Petitioner operates a business that is in violation of a federal statute. We further explained that because this basis for revocation was dispositive of the Petitioner's appeal, we would reserve the Petitioner's arguments regarding the Beneficiary's employment abroad in a managerial or executive capacity. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible). Therefore, although the Petitioner's motion addresses the Beneficiary's employment abroad, which served as a ground for the revocation, as well as the Beneficiary's proposed employment and the Petitioner's qualifying relationship with the Beneficiary's foreign employer, we will not address these eligibility requirements and will instead limit our review to only new facts and evidence that pertain to the issue that we addressed in our prior adverse decision.

Here, the Petitioner provides a legal brief in which the entire "Law and Analysis" section repeats, verbatim, the "Law and Analysis" section that was included in the legal brief the Petitioner submitted on appeal. The arguments posed in that brief have already been addressed and need not be addressed for a second time. Because the Petitioner has provided no new facts, it has not shown proper cause for reopening our prior decision.

ORDER: The motion to reopen is dismissed.