U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF S-, LLC

DATE: FEB. 28, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a third party logistics provider, seeks approval of its amended blanket petition[1] to facilitate the transfer of future beneficiaries under the L-1 nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1 classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee to the United States to work temporarily in a managerial, executive, or specialized knowledge capacity. A petitioner may file a blanket petition to seek continuing approval of itself and some or all of its parent, branches, subsidiaries, and affiliates as qualifying organizations if the petitioner and each of those entities are engaged in commercial trade or services, and if certain other requirements are met. *See* 8 C.F.R. § 214.2(l)(4)(i).

The Director of the California Service Center approved the petition in part, but determined that the Petitioner did not establish its qualifying relationship with one of the foreign entities it sought to add to its approved blanket L listing. In these circumstances, the regulations require U.S. Citizenship and Immigration Services to issue a denial decision explaining the reasons for the partial denial, and to issue an approval notice that includes only the entities determined to have a qualifying relationship with the petitioner. *See* 8 C.F.R. § 214.2(l)(7)(1)(B)(*3*).

In this matter, however, the Director included all requested entities on the approval notice and struck out the entity deemed to be a non-qualifying entity. This alteration was handwritten in pen with the annotation "not included." The Director did not issue a separate denial notice explaining why this entity, a Vietnamese company which the Petitioner identified as its wholly-owned indirect subsidiary, was excluded. We will treat the Director's actions as a partial denial of the petition for the purposes of adjudicating the Petitioner's appeal.

On appeal, the Petitioner points out the Director's procedural error in failing to issue a denial notice explaining the partial denial of the petition. In addition, it raises concerns about its ability to use an approval notice bearing handwritten notations. Finally, the Petitioner asserts that it provided ample

[1] The Petitioner already has an approved blanket L petition with indefinite validity and sought to add four additional qualifying organizations to its approved list. *See* 8 C.F.R. § 214.2(l)(7)(i)(C) (stating that a petitioner must file an amended petition to reflect additional qualifying organizations under a blanket petition).

evidence that all of the newly added entities, including the one stricken from the approval notice, are qualifying entities that are engaged in commercial trade or services.

Upon *de novo* review, we will sustain the appeal. The Petitioner has provided ample evidence that the Vietnamese entity in question is a wholly-owned subsidiary of the Petitioner's acknowledged Chinese subsidiary. Further, the Petitioner has submitted relevant documentation, including invoices for services rendered and bank statements showing extensive activity, to establish that the Vietnamese subsidiary was engaged in commercial trade or services at the time this petition was filed.

If a director's decision to deny a blanket L petition is denied, in part, and such a decision is reversed on appeal, the regulations require that "a new Form I-797 shall be sent to the petitioner to reflect the changes made as a result of the appeal." 8 C.F.R. § 214.2(l)(7)(1)(B)(*3*).

The petitioner has established that all entities for which blanket approval is sought are qualifying organizations. Accordingly, the Director is instructed to issue a new Form I-797 Approval Notice reflecting all entities requested by the Petitioner in its amended petition filing.

ORDER: The appeal is sustained.

Cite as *Matter of S-, LLC*, ID# 965132 (AAO Feb. 28, 2018)