U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 29607586

Date: JAN. 23, 2024

Appeal of California Service Center Decision

Form I-129, Petition for Blanket L Approval

The Petitioner, a developer and distributor of network software tools, had a blanket petition approved to facilitate the transfer of future beneficiaries under the L-1 nonimmigrant classification for intracompany transferees. Section 101(a)(15)(L) of the Immigration and Nationality Act (the Act)), 8 U.S.C. § 1101(a)(15)(L) and section 214(c)(2)(A) of the Act, 8 U.S.C. § 1184.

The Director of the California Service Center revoked the approval of the petition, concluding that the Petitioner did not use the blanket petition procedure to transfer employees outside of the United States "for three consecutive years" and was subject to revocation pursuant to 8 C.F.R. § 214.2(l)(9)(iii)(A)(6). The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

Section 214(c)(2)(A) of the Act authorizes a procedure under which a qualifying employer may file a blanket petition to facilitate the transfer of L-1 intracompany transferees as an alternative to filing of individual petitions on behalf of such employees. A blanket L approval notice lists U.S. and foreign qualifying organizations within a petitioner's business group, eliminating the need to establish a qualifying relationship in individual cases. 8 C.F.R. § 214.2(l)(4)(iii). Blanket L approval allows petitioners to submit nonimmigrant petitions (on Forms I-129S) for managers, executives, and specialized knowledge professionals directly to U.S. consulates or certain border officials. 8 C.F.R. § 214.2(l)(5).

A petitioner may file a blanket L petition if: (1) the petitioner and each of the listed entities engage in commercial trade or services; (2) the petitioner has an office in the United States that has been doing business for at least one year; (3) the petitioner has three or more domestic and foreign branches, subsidiaries, or affiliates; and (4) the petitioner and the other listed qualifying organizations: have

obtained approval of petitions for at least ten "L" managers, executives, or specialized knowledge professionals during the previous 12 months; have U.S. subsidiaries or affiliates with combined annual sales of at least $25 million; or have a U.S. work force of at least 1,000 employees. 8 C.F.R. § 214.2(l)(4)(i).

In addition, U.S. Citizenship and Immigration Services may revoke approval of an L-1A petition under six specific circumstances. 8 C.F.R. § 214.2(l)(9)(iii)(A). To properly revoke the approval of a petition, a director must issue a notice of intent to revoke that contains a detailed statement of the grounds for the revocation and the time period allowed for rebuttal. 8 C.F.R. § 214.2(l)(9)(iii)(B).

II. ANALYSIS

As previously noted, the Director revoked the approval of the petition pursuant to 8 C.F.R. § 214.2(l)(9)(iii)(A)(6), which states that a notice of intent to revoke "shall" be issued if "[n]one of the qualifying organizations in a blanket petition have used the blanket petition procedure for three consecutive years."

Although the Director issued a notice of intent to revoke notifying the Petitioner of the basis for the intended revocation, the record at hand shows that the blanket petition was approved with an assigned validity period of July 9, 2020, until February 19, 2023, for a total of two years and seven months. Because the original validity period was for less than three years, the record before us does not support the Director's determination that the Petitioner's blanket approval is subject to revocation on notice pursuant to 8 C.F.R. § 214.2(l)(9)(iii)(A)(6) for not using the blanket petition for three consecutive years.[1] We therefore cannot affirm the Director's decision. The Director did not indicate any other grounds for revocation. Following review, the Director should identify any additional grounds in a new notice or should take appropriate action in accordance with the foregoing on remand.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.

[1] Documents outside the record show that the Petitioner filed several individual Forms I-129, Petition for a Nonimmigrant Worker, including two in April and June 2023.