U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF C-I- INC.

DATE: MAR. 26, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a supplier of tattoo needles, equipment and supplies, seeks to extend the Beneficiary's temporary employment as its chief executive officer (CEO) under the L-1A nonimmigrant classification for intracompany transferees. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1A 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 or executive capacity.

The Director of the California Service Center revoked the approval of the petition, determining that the Petitioner did not establish that the Beneficiary remains eligible for the benefit under section 101(a)(15)(L) of the Act. Specifically, the Director determined that the Petitioner failed to file an amended petition to request approval for the Beneficiary's assignment to a new work location and did not meet its burden to establish his continuing eligibility after a "material change" in the terms and conditions of his employment.

On appeal, the Petitioner asserts that the applicable regulations did not require it to file an amended L-1A petition when it moved its office a distance of three miles within the same city. The Petitioner maintains that the company's relocation did not qualify as a "material change" to the terms and conditions of the Beneficiary's approved L-1A petition.

Upon *de novo* review of the record, we will withdraw the Director's decision and sustain the appeal.

The Director initially approved the petition and granted the Beneficiary's extension of status in August 2017. The Director later issued a notice of intent to revoke (NOIR) after U.S. Citizenship and Immigration Services' (USCIS') attempt to verify the Beneficiary's employment through an administrative site visit was deemed unsuccessful. Neither the Beneficiary nor any other employees were on site at the address listed on the Form I-129, Petition for a Nonimmigrant Worker, when the site visit was attempted in March 2018.

In response to the NOIR, the Petitioner submitted evidence that the Beneficiary had signed a new lease for the business at the end of February 2018, and that the company was in the process of relocating its office at the time of the site visit. The Petitioner also provided evidence demonstrating

that it paid rent and other expenses for both its new and previous locations during March and April 2018, and that it continued to do business.

In the revocation decision, the Director acknowledged that the Petitioner provided evidence that it had moved, but emphasized that "USCIS does not have a record that you have filed an amended petition, with fee, to request approval for the beneficiary's new work location and any other changes to the terms and conditions of his employment, including the actual end-client where the beneficiary will be placed . . . and the project he will be assigned to." The Director concluded that the Petitioner did not establish that the Beneficiary remained eligible for L-1A classification or that the facts stated on the petition continued to be true and correct.

On appeal, the Petitioner asserts that it was not required to file an amended petition simply because it signed a new lease agreement. We agree with the Petitioner that neither the statute, regulations, nor USCIS policy expressly require an L-1 employer to file an amended petition for a change of address.[1] Further, the Beneficiary in this matter is not assigned to an "end-client" or off-site client project as suggested by the Director's statements, and the record reflects that the change in location did not involve any change in his underlying duties. The Petitioner's relocation of its office did not warrant the filing of an amended petition, nor did it represent a material change in the terms of the Beneficiary's approved L-1A petition.

For these reasons, we find that the approval of the petition was improperly revoked.

ORDER: The appeal is sustained.

Cite as *Matter of C-I- Inc.*, ID# 2834343 (AAO Mar. 26, 2019)

[1] 8 C.F.R. § 214.2(l)(7)(i)(C) states:

> The petitioner shall file an amended petition, with fee, at the service center where the original petition was filed to reflect changes in approved relationships, additional qualifying organizations under a blanket petition, change in capacity of employment (i.e. from a specialized knowledge position to a managerial position), or any information which would affect the beneficiary's eligibility under section 101(a)(15)(L) of the Act.