U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41977104

Date: MAR. 30, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (Advanced Degree)

The Petitioner, a golf course management firm, seeks to employ the Beneficiary as IT [Information Technology] Project Manager. The company requests her classification under the employment-based, second-preference immigrant visa category as a member of the professions holding an "advanced degree." *See* Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). Businesses may sponsor aliens for U.S. permanent residence in this category to work in jobs requiring at least master's degrees or bachelor's degrees followed by five years of progressive experience in relevant specialties. *See* 8 C.F.R. § 204.5(k)(2) (defining the term "advanced degree").

After initially granting the filing, Service Center Operations (SCOPS) revoked the petition's approval. SCOPS' decision suggests that, on the accompanying certification from the U.S. Department of Labor (DOL), the Petitioner intentionally concealed a family relationship between one of the company's owners and the Beneficiary. On appeal, the company contends that, contrary to applicable regulations, it did not receive a notice of intent to revoke (NOIR) the petition and the decision does not explain the specific reasons for the revocation.

In these petition revocation proceedings, the Petitioner continues to bear the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Ho*, 19 I&N Dec. 582, 589 (BIA 1988). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that SCOPS erred by neither issuing a NOIR nor explaining the revocation's specific grounds. We will therefore withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

Immigration as an advanced degree professional generally follows a three-step process. First, a prospective employer must obtain DOL certification that: there are insufficient U.S. workers able, willing, qualified, and available for an offered job; and an alien's employment in the job would not harm wages or working conditions of U.S. workers with similar jobs. *See* section 212(a)(5)(D) of the Act, 8 U.S.C. § 1182(a)(5)(D).

Second, an employer must submit a DOL-approved labor certification with an immigrant visa petition to U.S. Citizenship and Immigration Services (USCIS). *See* section 204(a)(1)(F) of the Act, 8 U.S.C. § 1154(a)(1)(F). Among other things, USCIS determines whether an alien beneficiary meets the requirements of a DOL-certified position and a requested immigrant visa category. 8 C.F.R. § 204.5(k)(3).

Finally, if USCIS approves a petition, a beneficiary may apply for an immigrant visa abroad or, if eligible, "adjustment of status" in the United States. *See* section 245 of the Act, 8 U.S.C. § 1255.

II. ANALYSIS

"[A]t any time" before a beneficiary obtains U.S. permanent residence, USCIS may revoke a petition's approval for "good and sufficient cause." Section 205 of the Act, 8 U.S.C. § 1155. If supported by a record, a petition's erroneous approval may justify its revocation. *Matter of Ho*, 19 I&N Dec. at 590.

Unless an event triggers a petition's automatic revocation, USCIS must first notify a petitioner of alleged revocation grounds. *See* 8 C.F.R. § 205.2(a), (b). "The petitioner or self-petitioner must be given the opportunity to offer evidence in support of the petition or self-petition and in opposition to the grounds alleged for revocation of the approval." 8 C.F.R. § 205.2(b).

"If, upon reconsideration, the approval previously granted is revoked, the director shall provide the petitioner or the self-petitioner with a written notification of the decision that explains the specific reasons for the revocation." 8 C.F.R. § 205.2(c).

The Petitioner filed the petition in November 2018, and SCOPS approved it the following April. In November 2023, SCOPS notified the company of the purported automatic revocation of the petition's approval based on "visa petition fraud." That notification, however, appears to have been erroneous. An automatic revocation based on fraud or willful misrepresentation would have required invalidation of the accompanying labor certification, and the record shows no evidence of such invalidation. *See* 8 C.F.R. § 205.1(a)(iii)(A) (stating that automatic revocation of a petition's approval occurs "[u]pon invalidation pursuant to 20 CFR Part 656 of the labor certification in support of the petition").

In October 2025, SCOPS again issued a revocation notice. The decision claims that "the NOIR sufficiently detailed the evidence of the record and was therefore properly issued for good and sufficient cause." But the record supports the Petitioner's contention that it did not receive a NOIR. The record lacks any evidence that, before the petition's revocation, SCOPS issued a NOIR and notified the company of the alleged revocation grounds.

Also, SCOPS' decision states two bases for the revocation: "Familial ties with [redacted] and "Fraud/willful misrepresentation." Those statements, however, do not "explain[] the specific reasons for the revocation." *See* 8 C.F.R. § 205.2(c). The decision, for example, does not explain who [redacted] is, who is related to him, how they are related to him, or what was misrepresented.[1]

[1] The Beneficiary previously told a USCIS officer that [redacted] is her former brother-in-law and an owner of the Petitioner. On appeal, the company submits a copy of a divorce order, purportedly showing that the Beneficiary and [redacted] brother

III. CONCLUSION

A preponderance of the evidence indicates that SCOPS did not send the Petitioner a NOIR before revoking the petition's approval and that SCOPS' decision did not explain the specific revocation grounds.

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

divorced in 2016, before the filings of the labor certification application and petition in 2018. Tax documents of record identify [redacted] as a minority owner of the Petitioner and a shareholder of a Chinese corporation that owns the Petitioner's majority.