U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42918683

Date: MAY. 15, 2026

Motion on Administrative Appeals Office Decision

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

The Petitioner, a financial consulting company, seeks to employ the Beneficiary as an accountant and files its tenth round of combined motions to reopen and reconsider before us. The company contends that, contrary to a regulation, Service Center Operations (SCOPS) did not mail the notice of intent to revoke (NOIR) the approval of the company's petition to its "last known address." *See* 8 C.F.R. § 103.8(a)(1)(i).

The Petitioner's motion to reopen does not meet applicable requirements, and the company's motion to reconsider does not establish our misapplication of law or policy. We will therefore dismiss the motions.

I. LAW

A motion to reopen must state new facts, supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). In contrast, a motion to reconsider must establish that our prior decision misapplied law or policy based on the evidence at the time of the decision. 8 C.F.R. § 103.5(a)(3). On motion, regulations limit the scope of our review to our most recent decision. *See* 8 C.F.R. § 103.5(a)(1)(i), (ii) (referring to "the prior decision" and "the latest decision in the proceeding"). We may grant motions that meet these requirements and demonstrate eligibility for the requested benefit. In these petition revocation proceedings, the Petitioner bears the burden of establishing eligibility for the requested benefit by a preponderance of the evidence. *Matter of Ho*, 19 I&N Dec. 582, 589 (BIA 1983).

II. ANALYSIS

A. The Motion to Reopen

The Petitioner's motion to reopen neither states new facts nor includes documentary evidence. We must therefore dismiss it. *See* 8 C.F.R. § 103.5(a)(4) ("A motion that does not meet applicable requirements shall be dismissed.")

B. The Motion to Reconsider

To serve an affected party, U.S. Citizenship and Immigration Services (USCIS) must send a notice by ordinary mail to the party at their "last known address." 8 C.F.R. § 103.8(a)(1)(i).

Our prior decision found that, in 2018, SCOPS properly mailed the NOIR to the Petitioner at its address last listed in the petition's record. The company, however, had relocated after the petition's 2007 approval and states that it did not receive the NOIR. SCOPS did not receive a timely NOIR response from the company and revoked the petition's approval. *See Matter of Estime*, 19 I&N Dec, 450, 452 (BIA 1987) (indicating that an untimely NOIR response results in a petition's revocation). The Petitioner contends that SCOPS should have mailed the NOIR to the company's new address, which it provided to USCIS in a 2016 petition to extend the Beneficiary's U.S. nonimmigrant work visa status.

On motion, the Petitioner argues that the phrase "last known address" in 8 C.F.R. § 103.8(a)(1)(i) is not limited to the last address listed in a case file. Rather, in the absence of a regulatory definition of the phrase, the company argues that the words' ordinary meaning should apply. *See, e.g., Perrin v. United States*, 444 U.S. 37, 42 (1979) ("A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.") The Petitioner argues that the word "agency" ordinarily refers to an administrative agency as a whole. Thus, because the Petitioner's 2016 nonimmigrant visa petition for the Beneficiary listed the company's new address, the company argues that, at the time of the NOIR's issuance, the company's new address was the last address known to USCIS.

We agree that, if undefined, a regulatory term's ordinary meaning should apply. *See, e.g., Burns v. Alcala*, 420 U.S. 575 580-81 (1975). But the regulation at 8 C.F.R. § 103.8(a)(1)(i) does not contain the word "agency." Thus, under the case law that the Petitioner cites, the ordinary meaning of the term "agency" is inapplicable. We therefore reject the company's argument.

Also, as indicated in our decision on the Petitioner's eighth round of combined motions, *see In Re: 39798408* (AAO Oct. 7, 2025), USCIS must interpret a regulation consistent with other regulations and Agency policy. *See Matter of Al Wazzan*, 25 I&N Dec. 359, 365 (AAO 2010) ("[W]e are to construe the language in question in harmony with the thrust of related provisions and with the statute as a whole.") Under USCIS policy, each petition or application is a separate record of proceedings. *See* 1 *USCIS Policy Manual* E.2(A) ("A record of proceedings is the organized, official material constituting the record of any application, petition, hearing, or other proceedings before USCIS.") Further, by regulation, "[a] determination of statutory eligibility shall be based only on information contained in the record of proceeding." 8 C.F.R. § 103.2(b)(16)(ii). Thus, when adjudicating a petition or application, USCIS generally may not look beyond an applicable record. Therefore, consistent with USCIS policy and regulations, we find that the phrase "last known address" in 8 C.F.R. § 103.8(a)(1)(i) is best interpreted to mean the last known address listed in a petition's or application's record. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400, 144 S. Ct. 2244, 2266, 219 L. Ed. 2d 832 (2024) ("In the business of statutory interpretation, if it is not the best, it is not permissible.")

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The Petitioner also argues that our most recent decision misrelied on a U.S. district court opinion. *See Wah Yuet (USA) Inc. v. Ashcroft*, No. CV 04-9145 CAS (SSx), 2006 WL 8430892, *7 (C.D. Cal. Apr. 13, 2006). The company distinguishes that case from its own on the facts and argues that the *Wah Yuet* court did not interpret the phrase "last known address."

Upon reconsideration, we agree with the Petitioner that our prior decision placed too much weight on *Wah Yuet*. Unlike in this case, the petitioner in *Wah Yuet* did not notify USCIS of the company's new address in another proceeding before the NOIR's issuance. Also, the *Wah Yuet* court, while affirming the validity of USCIS' service of a NOIR to a petitioner at its last address listed in the file rather than at its then-current address, did not specifically interpret the regulatory phrase "last known address."

But the Petitioner bears the burden of proof in these proceedings. *See Matter of Ho*, 19 I&N Dec. at 589. The company has not cited any legal authority interpreting the phrase "last known address" in 8 C.F.R. § 103.8(a)(1)(i) to mean the last address known to USCIS as a whole. *See* 8 C.F.R. § 103.5(a)(3) (requiring a motion to reconsider to "be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy"). Thus, the company has not established our prior decision's misapplication of law or policy.

III. CONCLUSION

The Petitioner's motion to reopen does not meet applicable requirements, and the company's motion to reconsider does not demonstrate our prior decision's misapplication of law or policy.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

NOTICE: Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.