U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF I- LTD.

DATE: OCT. 7, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a provider of information technology consulting services, requested the Beneficiary's classification under the third-preference, immigrant category as a skilled worker. *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(i), 8 U.S.C. § 1153(b)(3)(A)(i). This employment-based, "EB-3" classification allows a U.S. business to sponsor a foreign national for lawful permanent resident status to work in a job requiring at least two years of training or experience.

After the Director of the Texas Service Center approved the petition, the employer listed on the accompanying certification from the U.S. Department of Labor (DOL) filed an amended petition seeking to substitute its name onto the initial petition. The labor certification employer asserted that a "scrivener's error in counsel's case management system" caused the initial Form I-140 to misidentify the Petitioner - the parent company of the labor certification employer - as the petitioner. The labor certification employer stated that, contrary to the information on the Form I-140, the employer - not its parent company - intends to employ the Beneficiary in the offered position of technology lead.

The Director found that, before the initial petition's filing, the labor certification accompanying the petitions had expired. *See* 20 C.F.R. § 656.30(b)(1) (stating that a labor certification expires if not filed with an immigrant petition within 180 calendar days of certification). The Director therefore revoked the initial petition's approval, invalidated the labor certification, and denied the amended petition. *See* 8 C.F.R. § 204.5(l)(3)(i) (stating that a skilled worker petition must generally include a valid, individual labor certification). The labor certification employer filed motions to reconsider the decisions on both the initial and amended petitions. The Director issued a decision denying one of the motions.

The Director's decision, however, does not clearly indicate which of the motions he denied. The decision cites the U.S. Citizenship and Immigration Services (USCIS) receipt number of the motion regarding the amended petition. But the decision discusses facts relating only to the initial petition. Also, the record lacks a decision on the second motion. Because the decision does not specify to which motion it applies, we cannot properly review the denial. We will therefore withdraw the decision and remand the matter.

On remand, the Director should review the entire record and issue a new decision on each motion.

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

Cite as *Matter of I- Ltd.*, ID# 5845445 (AAO Oct. 7, 2019)