U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 18822320

Date: SEP. 22, 2021

Appeal of Texas Service Center Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner, describing itself as a "research and intelligence firm," sought to temporarily employ the Beneficiary as its "Global Head of Sales and Strategy" 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 Director of the Texas Service Center revoked the approval of the instant petition, since the Petitioner did not respond to a notice of intent to revoke (NOIR) issued following a site visit to its office location. Since the Petitioner did not respond to the NOIR, the Director concluded that the Beneficiary was not, and would not be, employed in a managerial or executive capacity in the United States and revoked the approved petition.

On appeal, the Petitioner contends that it did not respond to the NOIR because neither it nor its counsel received the NOIR. The Petitioner now submits additional evidence on appeal to "rebut the assertions made by the Service in the Revocation Notice."

Upon *de novo* review, we will dismiss the appeal.

I. LEGAL FRAMEWORK

To establish eligibility for the L-1A nonimmigrant visa classification, a qualifying organization must have employed the beneficiary "in a capacity that is managerial, executive, or involves specialized knowledge," for one continuous year within three years preceding the beneficiary's application for admission into the United States. Section 101(a)(15)(L) of the Act. In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity. *Id*. The petitioner must also establish that the beneficiary's prior education, training, and employment qualify him or her to perform the intended services in the United States. 8 C.F.R. § 214.2(l)(3).

Under U.S. Citizenship and Immigration Services (USCIS) regulations, the approval of an L-1A petition may be revoked on notice 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. GROUNDS FOR REVOCATION

The Director revoked the approved petition on October 1, 2020, following the issuance of a NOIR on May 5, 2020. In the NOIR, the Director pointed to a post adjudication site visit to the Petitioner's business conducted in September 2019 during which the Beneficiary indicated that he traveled "40-50% of the time to meet new clients." The Director also stated that the site visit indicated that the Beneficiary likely performed non-qualifying operational sales work since he was the only apparent employee in its office. The Director concluded that this indicated that the Beneficiary was not primarily employed in a managerial or executive capacity. As previously discussed, the Petitioner did not respond to the Director's NOIR, claiming that it and its listed counsel, did not receive it.

III. PETITIONER'S LACK OF RESPONSE TO THE NOIR

On appeal, the Petitioner has not sufficiently corroborated its assertion that it did not receive the NOIR issued by the Director. For this reason, we will dismiss the appeal.

In general, the Director's decision to revoke the approval of a petition will be affirmed if the Petitioner fails to offer a timely explanation or rebuttal to a properly issued notice of intent to revoke, notwithstanding the submission of evidence on appeal. *Matter of Arias*, 19 I&N Dec. 568, 569 (BIA 1988). Our records confirm that the Director issued the NOIR on May 4, 2020[1] and sent this notice to those addresses for the Petitioner and counsel listed in the G-28, Notice of Entry of Appearance as Attorney or Accredited Representative (provided in support of the petition and now on appeal), the Form I-129, Petition for a Nonimmigrant Worker, and the current Form I-290B Notice of Appeal or Motion. We note that the addresses for the Petitioner and listed counsel have not changed in any of this documentation throughout the record. As noted, the Petitioner claims that it did not receive the NOIR.

In support of this assertion, the Petitioner only provides a letter stating that it, and counsel, did not receive the NOIR. However, an uncorroborated, self-serving denial of receipt is not probative evidence, even if sworn. *Joshi v. Ashcroft*, 389 F.3d 732, 735 (7th Cir. 2004). As such, absent sufficient corroborative evidence to support the Petitioner's claim that it did not receive a copy of the Director's NOIR, we conclude that the available evidence reflects that the Director sent the NOIR to the correct address of record, which as we have noted, the Petitioner continues to use on appeal. Therefore, we conclude that the NOIR was properly served in accordance with 8 C.F.R. § 103.8. A petitioner's unsupported statements are of very limited weight and normally will be insufficient to carry its burden of proof. *See Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of Cal.*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)).

In addition, the NOIR set forth reasonable issues specific to whether the Beneficiary was acting, or would act, in a managerial or executive capacity in the United States based on direct statements to an immigration officer and an apparent lack of support staff at the Petitioner's business location. Therefore, we conclude that this NOIR was properly issued on good and sufficient cause and was not

[1] However, we note that the notices were dated the next day on May 5, 2020.

"conclusory, speculative, equivocal, or irrelevant." *See Matter of Arias*, 19 I&N Dec. 568, 569 at 570. Further, the failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. *See* 8 C.F.R. § 103.2(b)(14). Therefore, the Director was correct in revoking the approved petition based on the Petitioner's failure to respond to the NOIR. As such, for the foregoing reasons, the Director properly revoked the previously approved petition, as the Petitioner did not establish the Beneficiary acted, or would act, in a managerial or executive capacity in the United States.

ORDER: The appeal is dismissed.