



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 19927092

Date: FEB. 16, 2022

Appeal of California Service Center Decision

Form I-129, Petition for Blanket L Approval

The Petitioner, a manufacturer of industrial steel products, seeks to extend its blanket petition to facilitate the transfer of future beneficiaries under the L-1 nonimmigrant classification for intracompany transferees.<sup>1</sup> Section 101(a)(15)(L) of the Immigration and Nationality Act (the Act)), 8 U.S.C. § 1101(a)(15)(L) and section 214(c)(2)(A) of the Act, 8 U.S.C. § 1184.

The Director of the California Service Center denied the petition, concluding that, because the approval of the Petitioner's initial blanket L petition was being reviewed for possible revocation, it did not establish its eligibility for an extension of the blanket petition's validity.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Upon *de novo* review, we will withdraw the Director's decision and remand the matter for issuance of a new decision.

## I. LAW

Section 214(c)(2)(A) of the Act authorizes a procedure under which a qualifying importing employer may file a blanket petition to facilitate the transfer of L-1 intracompany transferees as an alternative to filing of individual petitions on behalf of such employees. The regulation at 8 C.F.R. § 214.2(l)(4)(i) allows a petitioner to file a blanket petition to seek continuing approval of itself and some or all of its parent, branches, subsidiaries, and affiliates as qualifying organizations if: the petitioner and each of those entities are engaged in commercial trade or services; the petitioner has an office in the United States that has been doing business for at least one year; the petitioner has three or more domestic and foreign branches, subsidiaries, or affiliates; and, the petitioner and the other qualifying organizations have obtained approval of petitions for at least ten "L" managers, executives, or specialized knowledge professionals during the previous 12 months; or have U.S. subsidiaries or affiliates with combined annual sales of at least \$25 million; or have a United States work force of at least 1,000 employees.

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<sup>1</sup> The Petitioner's initial blanket petition was approved with validity dates from November 1, 2018, until September 30, 2021

A petitioner with an approved blanket petition may request an indefinite extension at the end of the initial three-year validity period by filing a new Form I-129, Petition for a Nonimmigrant Worker, with a copy of the previous approval notice and a report of admissions during the preceding three years. The report of admissions must include the names of the beneficiaries admitted under the blanket petition during the preceding three years, including positions held during that period, the employing entity, and the dates of initial admission and final departure of each beneficiary. The petitioner is also required to demonstrate that it still meets the requirements for filing a blanket petition. 8 C.F.R. § 214.2(l)(14)(iii)(A).

## II. ANALYSIS

The Director denied the petition after issuing a notice of intent to deny (NOID). The Director noted that the initial blanket approval was pending revocation at the time the NOID was issued and emphasized that the Petitioner's response to the NOID did not include "evidence which demonstrates that your initial blanket petition has had its approval reaffirmed."

On appeal, the Petitioner contends that the Director did not have a proper legal basis for issuing a notice of intent to revoke the initial blanket petition approval. Accordingly, it maintains that the proposed revocation of that approval should not have resulted in the denial of this extension petition.

Upon review, we will withdraw the Director's decision and remand the matter for further action and issuance of a new decision.

The record reflects that the Petitioner timely filed this extension request on June 11, 2021 and complied with the evidentiary requirements for an extension set forth at 8 C.F.R. § 214.2(l)(14)(iii)(A) by submitting a report of admissions and relevant evidence showing its continued eligibility for a blanket petition.

On June 25, 2021, the Director issued the NOID advising the Petitioner that a notice of intent to revoke the approval of the initial blanket petition had been issued on June 24, 2021. The Director advised the Petitioner as follows:

USCIS intends to revoke [the prior petition] pursuant to 8 CFR 214.2(l)(9)(iii)(6) because the evidence you submitted in support of the current extension indicates that none of the qualifying organizations have used the blanket petition procedure for three consecutive years. If [the prior petition] is revoked, there will be no basis for the approval of the current extension. Therefore, unless USCIS affirms the approval of [the prior petition], USCIS intends to deny the current extension petition.

The Petitioner responded to the NOID by resubmitting its report of admissions and additional evidence to demonstrate that six beneficiaries working for three different qualifying organizations had used the blanket petition process since the approval of the initial petition.

Although the Director acknowledged receipt of this evidence, she did not acknowledge the Petitioner's claim that the revocation provision at 8 C.F.R. § 214.2(l)(9)(iii)(6) does not apply based on the facts of this case. Instead, she denied the petition because the Petitioner did not provide evidence that USCIS had reaffirmed the approval of the initial approval. However, this petition was denied on July

21, 2021, and the Petitioner's response to the notice of intent to revoke was not due until July 27, 2021. Based on the procedural history outlined above, it was not possible for the Petitioner to submit evidence that its initial petition had been reaffirmed within the time allotted for its response to the Director's NOID.

While we agree that this petition could not be approved while the initial blanket petition is pending a possible revocation, it should not have been adjudicated until there was a final decision in that related matter. As of this date, the revocation proceeding related to the initial blanket petition [REDACTED] remains pending. Accordingly, we will remand this matter to the Director for a new decision, which should not be issued until a final decision has been issued with respect to the prior blanket petition.

Further, we have considered the Petitioner's claim that Director did not have a proper basis for issuing a notice of intent to revoke the approval of the initial blanket petition. The regulation at 8 C.F.R. § 214.2(l)(9)(iii)(6) states that a blanket petition may be revoked on notice if "none of the qualifying organization in a blanket petition have used the blanket petition procedure for three consecutive years." There is no stated or implied requirement that at least one qualifying organization must use the blanket petition to transfer a beneficiary in every single year. Here, the Petitioner provided evidence that six individuals employed by three different qualifying organizations used the blanket petition procedure between the approval of the initial blanket petition in 2018 and the filing of this extension in 2021; there has not been a period of three consecutive years during which "none of the qualifying organizations" used the blanket petition procedure. Therefore, the record before us on appeal does not support the Director's determination that the Petitioner's initial blanket approval is subject to revocation on notice pursuant to 8 C.F.R. § 214.2(l)(9)(iii)(6).

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis, which, if adverse to the Petitioner, shall be certified to us for review.