



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

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

In Re: 20516105

Date: AUG. 17, 2022

Appeal of Texas Service Center Decision

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

The Petitioner, an IT company specializing in security and digital service, seeks to employ the Beneficiary temporarily as its “COO” under the L-1A nonimmigrant classification for intracompany transferees who are coming to be employed in the United States in a managerial or executive capacity. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1A classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee to the United States to work temporarily in a managerial or executive capacity.

The Director of the Texas Service Center revoked the approval of the petition, concluding that the Petitioner failed to respond to the previously issued notice of intent to revoke (NOIR).

On appeal, the Petitioner contends that a response to the NOIR was submitted within the allowed timeframe that is consistent with U.S. Citizenship and Immigration’s (USCIS) current filing flexibilities in response to the COVID-19 pandemic.

The record shows that a NOIR was issued on July 20, 2021. The Director allowed the Petitioner 30 days in which to respond to that notice, thus establishing August 22, 2021, as the original due date. However, because of the COVID-19 pandemic, USCIS may consider a NOIR response that is received within 63 calendar days after the response due date.<sup>1</sup> As such, the Petitioner’s deadline for submitting a response to the NOIR in this case was October 24, 2021. The record shows that USCIS received the Petitioner’s response on September 10, 2021, thus prior to the October 2021 deadline. Despite evidence showing that the Petitioner had in fact responded to the NOIR, the Director concluded that a response had not been submitted, and on that basis revoked approval of the petition.

In these proceedings, it is the Petitioner’s burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we conclude that the Petitioner’s NOIR response was received within the permitted timeframe. Therefore, the Director’s revocation on the basis that the Petitioner failed to respond to the NOIR was incorrect. Accordingly, we will withdraw the Director’s decision and remand the matter to the Director for consideration of the Petitioner’s NOIR response and entry of a new decision.

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<sup>1</sup> *See* <https://www.uscis.gov/newsroom/alerts/uscis-extends-flexibility-for-responding-to-agency-requests-1>.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for further proceedings consistent with the foregoing analysis and entry of a new decision, which shall be certified to the AAO for review.