

[REDACTED]

U.S. Department of Homeland Security

[REDACTED]



U.S. Citizenship
and Immigration
Services

NOV 04 2009

Refer to File Number:
[REDACTED]

[REDACTED]

NOV 15 2009

Dear Sir or Madam:

Case Type: Form I-140, Immigrant Petition for Alien Worker

Beneficiary: [REDACTED]

INTENT TO REVOKE

This refers to the Immigrant Petition for Alien Worker which you filed on behalf of [REDACTED] on [REDACTED]. The petition was approved on [REDACTED].

This petition, filed on [REDACTED] seeks to classify the beneficiary as an immigrant under Section 203(b)(3) of the Immigration and Nationality Act, as amended. That section of law refers to skilled workers, professionals, and other workers. The record indicates that the petitioner is a [REDACTED] and wishes to employ the beneficiary as a manager.

This Service is in possession of adverse information that you may be unaware of regarding your Immigrant Petition for Alien Worker on behalf of [REDACTED]. Pursuant to Title 8, Code of Federal Regulations, Part 103.2(b)(16), we hereby provide you with such information before rendering a final decision.

Information obtained during an interview with the beneficiary at the Consular Office in [REDACTED] indicates that beneficiary does not meet the requirements as listed on the ETA 750. The duties for the position include maintaining records of current prices of fruits and vegetables and total sales volume, preparing daily sales and purchase reports and maintain ample inventory. Also required of the position is to help settle differences between the customers and the company, and to supervise other employees. The minimum experience required for this position is 4 years.

On [REDACTED] the beneficiary was interviewed by the Consular Officer. At this time it was determined that the beneficiary's work history could not be verified. The beneficiary claims to have worked as a manager of distribution in a [REDACTED], and [REDACTED] before that;

[REDACTED]

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none of the information could be verified. The beneficiary provided a letter of recommendation from an unknown person, [REDACTED], however the name, place or date was not mentioned.

It was also determined that the beneficiary does not speak any English. The beneficiary speaks [REDACTED] and [REDACTED] the same language as the petitioner, who is also the beneficiary's first cousin and his wife's brother. When asked what his job duties would be he had no idea; all he could say was that he was going to be a distribution manager.

It does not appear that the beneficiary is qualified for the visa category he is applying for as stipulated by the ETA 750. The beneficiary does not have the language and qualifications to work in the United States.

In view of the above, it appears that the approval of the petition should be revoked. Therefore, pursuant to Title 8, Code of Federal Regulations, Part 205.2, we hereby serve notice upon you of our intent to revoke the approval of the petition. You are hereby granted thirty days in which to submit to this office evidence in support of the petition and in opposition to the revocation. A final decision will then be made.

If you do file a response, refer to the above file number.

Sincerely,

F. Gerard Heinauer

F. Gerard Heinauer
Director [REDACTED]

[REDACTED]