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Notice of Intent to Revoke (NOIR) I-140 after Employer's Fraud Conviction

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Submitted by Chief Editor on Dec 5th 2012

The following case is an example of USCIS blanket revocations based upon criminal convictions. Fortunately, USCIS did keep an open mind and permitted us to show the law and the facts in their proper light without having to go to the Court over this.

A petitioner with several employees filed an I-140 application for a beneficiary using substituted labor. USCIS approved the I-140. The beneficiary filed an I-485 application and ported to other employers. Meanwhile, USCIS received a letter of withdrawal of the I-140 petition from petitioner's representative whom USCIS found had never worked for petitioner. Later, the employer/petitioner pled guilty to mail fraud and admitted to each element of the crime. USCIS found all petitions filed by that petitioner fraudulent. USCIS issued a Notice of Intent to Revoke (NOIR) the beneficiary's I-140 FIVE years after the I-140 approval and after the beneficiary had ported twice to new employers. We took over the case and filed a response. We pointed out all the legal infirmities with sweeping generalization that overturns all approved cases based upon a conviction. We also pointed out item by item how every allegation in the NOIR was, in fact, without basis in law or fact. USCIS reaffirmed approval of the I-140. Later, the beneficiary's I-485 was also approved.

Green Card:

Form I-140 ^[2]

NOIR ^[3]

Source URL (retrieved on 11 Aug 2020 - 20:06): <https://immigration.com/sample-cases/form-i-140/notice-intent-revoke-noir-i-140-after-employer%E2%80%99s-fraud-conviction>

Links:

[1] <https://immigration.com/sample-cases/form-i-140/notice-intent-revoke-noir-i-140-after-employer%E2%80%99s-fraud-conviction>

[2] <https://immigration.com/greencard/green-card/form-i-140>

[3] <https://immigration.com/greencard/green-card/noir>