U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41703830

Date: APR. 2, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1A Manager or Executive)

The Petitioner, described as providing sales and services in artificial intelligence (AI), seeks to temporarily employ the Beneficiary as president of its new office under the L-1A nonimmigrant classification for intracompany transferees. *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.

SCOPS denied the petition, concluding that the record did not establish that: (1) the Beneficiary was employed abroad for at least one continuous year during the three years preceding the filing of the petition; (2) the Beneficiary has been employed abroad in a managerial or executive capacity; (3) the Petitioner has secured sufficient physical premises for the new office; and (4) the new office will be able to support a managerial or executive position within one year after approval of the petition. The matter is now before us on appeal under 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

The term "new office" refers to an organization which has been doing business in the United States for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). To establish eligibility for the L-1A nonimmigrant visa classification in a petition involving a new office, a qualifying organization must have employed the beneficiary in a managerial or executive capacity for one continuous year within three years preceding the filing of the petition. 8 C.F.R. § 214.2(l)(3)(v)(B). In addition, the petitioner must submit evidence to demonstrate that the new office will be able to support a managerial or executive position within one year. This evidence must establish that the petitioner secured sufficient physical premises to house its operation and disclose the proposed nature and scope of the entity, its organizational structure, its financial goals, and the size of the U.S. investment. *See* 8 C.F.R. § 214.2(l)(3)(v)(A) and (C).

II. ANALYSIS

A petitioner must submit evidence that the beneficiary has at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition. 8 C.F.R. § 214.2(l)(3)(iii). Brief trips to the United States for business or pleasure shall not interrupt the one year of continuous employment abroad but such periods shall not be counted toward fulfillment of that requirement. 8 C.F.R. § 214.2(l)(1)(ii)(A).

SCOPS concluded that the Petitioner had not submitted sufficient evidence to establish the Beneficiary's continuous year of employment abroad. We agree.

The Petitioner stated that the Beneficiary is the majority shareholder and general manager (GM) of [redacted] in China, described as "primarily engaged in offering financial data services, AI technology services and consulting, and medical device research and development." The foreign entity established a U.S. subsidiary, the petitioning entity in this proceeding, to "sell . . . the AI intelligent body recognition technologies and medical devices developed by the China entity" to airports and medical institutions.

The Petitioner filed the petition on December 30, 2024. Therefore, the Beneficiary's continuous year of employment abroad must have occurred between December 2021 and December 2024. At the time of filing, the Beneficiary had been in the United States on July 10, 2024, as a B-1 nonimmigrant visitor for business, without authorization to work in the United States. Therefore, the Petitioner must establish that the Beneficiary worked for [redacted] for at least one continuous year between December 2021 and his latest entry into the United States in July 2024.

Section 1, line 5 of the L Classification Supplement to Form I-129 instructed the Petitioner to list the "[d]ates of beneficiary's employment with [the foreign] employer" and to "[e]xplain any interruptions in employment." On that form, the Petitioner listed the Beneficiary's "Dates of Employment" as January 8, 2022 to present, with no interruptions claimed. In an accompanying statement, the foreign entity indicated that it had employed the Beneficiary "since Jan. 2022 without interruption." The Petitioner submitted translated copies of purported payroll records from the following year, 2023, indicating that the Beneficiary received the same amount each month of the year. The Petitioner did not submit bank records or other documentation to show that the listed payments actually occurred.

SCOPS issued a notice of intent to deny the petition (NOID), stating that government information was not consistent with the claim that [redacted] had employed the Beneficiary without interruption since January 2022. Specifically, government travel records show that the Beneficiary spent a substantial amount of time in the United States beginning in February 2023. Although the NOID did not include the Beneficiary's travel dates, records indicate that the Beneficiary entered the United States on February 7, 2023, and remained in the United States for nearly eight months, departing on October 3, 2023. The Beneficiary also made shorter trips to the United States from October 5, 2023 to October 10, 2023, and from December 12, 2023 to January 30, 2024. Therefore, most of the 2023-dated payroll documents relate to periods of time when the Beneficiary was in the United States, not working for [redacted] in China.

In response to the NOID, the Petitioner submitted the following translated documents:

- A [redacted] shareholders' resolution dated December 28, 2021, appointing the Beneficiary as GM of the petitioning U.S. entity effective January 1, 2022;
- Additional copies of the monthly pay statements dated 2023, with an August 2025 statement indicating that the information "was printed from [redacted] financial files"; and
- A [redacted] Social Insurance Personal Rights Record dated August 6, 2025 indicating that the Beneficiary had made mandatory monthly insurance payments from 2022 to 2025.

SCOPS denied the petition, stating: "Accounting for the time the beneficiary has spent in the United States during 2023 and 2024, it does not appear that the beneficiary has accrued at least one continuous year of full-time employment abroad within the three years preceding the filing of the petition."

On appeal, the Petitioner asserts that the materials submitted in response to the NOID confirm the Beneficiary's employment abroad. The Petitioner asserts that the Beneficiary's "brief U.S. business trips during 2023-2024 do not interrupt the one-year employment period, as time spent in the United States is explicitly permissible under 8 C.F.R. § 214.2(l)(1)(ii)(A) and *Matter of F-L- Corp.*, 8 I&N Dec. 102 (Comm'r 1958)."

We can find no record of a precedent decision matching the citation in the appellate brief. The precedent decision at 8 I&N Dec. 102 is *Matter of S-*, concerning issues unrelated to the present proceeding. Also, the L-1A nonimmigrant classification did not exist in 1958 and the Petitioner has not explained how a decision from that time would be relevant to this proceeding.

The regulation at 8 C.F.R. § 214.2(l)(1)(ii)(A) provides that "brief trips to the United States for business or pleasure shall not be interruptive of the one year of continuous employment abroad." The regulation specifies that such trips must be "brief." But the Beneficiary was in the United States for nearly eight months from February 7, 2023 to October 5, 2023. The Petitioner, who bears the burden of proof to establish the Beneficiary's eligibility, has not explained how this trip qualifies as "brief" in the context of establishing one year of continuous employment outside the United States within a specified three-year period. We therefore conclude that the Beneficiary's February 2023 to October 2023 trip to the United States interrupted the continuity of his employment abroad.

Less than one year elapsed between the Beneficiary's departure from the United States in October 2023 and his most recent arrival in July 2024, and between those dates the Beneficiary made more trips to the United States, spending several additional months in the United States as a B-1 nonimmigrant. Therefore, the Beneficiary did not work abroad continuously for at least one year between October 2023 and the petition's filing date in December 2024.

The Beneficiary was continuously outside the United States from December 2021 to February 2023. The Petitioner's claim that [redacted] employed the Beneficiary from January 2022 onward would, if properly supported, indicate an uninterrupted year of employment abroad. But the record does not consistently support that claim.

The claimed payroll records are all from 2023, and would not reflect employment in 2022. As noted above, the Petitioner did not submit contemporaneous documentary evidence, such as bank records,

confirming that the payments took place as claimed. Even then, the Beneficiary is known to have been in the United States from February 2023 to October 2023, rather than working for [redacted] in China. If [redacted] continued to pay the Beneficiary his full salary while he was in the United States, then payroll records alone cannot serve as evidence of qualifying employment abroad.

The Petitioner has submitted internally-generated documents indicating the claimed January 2022 hiring date, but these documents lack independent corroboration. As we noted above, the Petitioner's response to the NOID included the Beneficiary's [redacted] Social Insurance Personal Rights Record. The Petitioner cites that same document on appeal. The document states, in five places, that the payments associated with [redacted] and the Beneficiary began in *April* 2022, not January 2022. The document also specifies a "Query date" of "Jan. 2022 to Aug. 2025," indicating that the earliest months of 2022 were not simply outside the scope of the data request.

The April 2022 date on the only document not created by either the Petitioner or [redacted] conflicts with the claimed January 2022 date. It is the Petitioner's responsibility to resolve this discrepancy in the record with independent, objective evidence pointing to where the truth lies. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.*

The Beneficiary entered the United States in February 2023, less than a year after April 2022, and we cannot conclude that his stay from February 2023 to October 2023 qualifies as "brief" in the relevant context.

Between the Beneficiary's interruptive visit to the United States in 2023, and the lack of sufficient corroboration of his employment with [redacted] from January to April 2022, we conclude that the Petitioner has not met its burden of proof to establish, by a preponderance of the evidence, that [redacted] continuously employed the Beneficiary for at least one year during the three years preceding the filing of the petition.

The above issue determines the outcome of the Petitioner's appeal. Because the Petitioner has not otherwise established eligibility for the classification sought, we need not reach, and therefore reserve, the other grounds of denial concerning the nature of the Beneficiary's employment abroad; whether the new office has secured sufficient physical premises; and whether the new office would be able to support a managerial or executive position within one year from the date of approval of the petition. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

The record does not credibly and consistently show that the Beneficiary worked for the Petitioner's foreign affiliate for at least one continuous year during the three years preceding the petition's filing date. We will therefore dismiss the appeal.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are

otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.