U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41705576

Date: APR. 03, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an aviation company, seeks to extend the Beneficiary's temporary employment as a business development manager 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 the record did not establish that (1) the Beneficiary had at least one continuous year of full-time employment abroad with a qualifying organization in the three years preceding his application for admission, and (2) the Beneficiary was employed abroad in a managerial capacity. The matter is now before us on appeal pursuant to 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

To establish eligibility for the L-1A nonimmigrant visa classification, a qualifying organization must have employed the beneficiary in a managerial or executive capacity, or in a position requiring specialized knowledge for one continuous year within three years preceding the beneficiary's application for admission into the United States. 8 C.F.R. § 214.2(l)(1). In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity. 8 C.F.R. § 214.2(l)(3)(ii).

The Petitioner indicates that its United Kingdom affiliate employed the Beneficiary in a managerial capacity, as defined at section 101(a)(44)(A) of the Act, 8 U.S.C. § 1101(a)(44)(A), from July 2014 to July 2018, immediately prior to his transfer to the United States.[1] Its initial submission included

[1] The record indicates that the Beneficiary has worked within the petitioning organization's U.S. operations without

job descriptions for the Beneficiary's U.K-based position as a "Manager of Sales, Strategy and Marketing" and for his current U.S.-based position as a business development manager. The initial job descriptions, while brief, indicated that the two positions involve substantially similar duties and responsibilities.

SCOPS issued a request for evidence (RFE) instructing the Petitioner to provide additional explanation and documentation to support its claim that the Beneficiary was employed abroad, and would be employed in the United States, in a managerial capacity, and evidence to corroborate the Beneficiary's employment dates with the foreign entity. The Petitioner submitted a timely response to the RFE.

SCOPS determined the Petitioner's response was sufficient to demonstrate that the offered U.S. position is in a qualifying managerial capacity. However, SCOPS determined that the Petitioner did not meet its burden to demonstrate that the Beneficiary had at least one continuous year of full-time employment abroad in a managerial capacity prior to his transfer to its U.S. operations. *See* 8 C.F.R. § 214.2(l)(3)(iii) and (iv). In reaching this conclusion, SCOPS noted that the Petitioner had not provided a sufficiently expanded job description and organizational chart showing how the Beneficiary's position satisfied the statutory definition of "managerial capacity," and did not submit copies of his personnel or payroll records for the relevant period of employment abroad.

On appeal, the Petitioner explains that some of the evidence SCOPS requested in the RFE was no longer available due to the company's acquisition by another organization in 2022, or not readily obtainable because certain documents were in the possession of its prior counsel. It requests consideration of newly submitted evidence that addresses the grounds for denial of the petition. As the Petitioner offers new previously unavailable documentation that SCOPS did not have a chance to review, and which may be material to the outcome of the case, we will withdraw SCOPS' decision and remand the matter for SCOPS to consider this evidence in the first instance.

On remand, SCOPS should consider the additional documentation and determine if the record establishes, by a preponderance of the evidence, the Beneficiary's eligibility for an extension of his L-1A status.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.

interruption since July 2018, initially in E-2 nonimmigrant status and, since June 2022, in L-1A status pursuant to the company's approved Blanket L petition. The Petitioner indicates that its U.K. affiliate hired the Beneficiary in 2008 and that he worked in progressively more responsible roles prior to assuming the Manager of Sales, Strategy and Marketing position in 2014.