U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF I- CORP.

DATE: APR. 13, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a software development and services company, seeks to continue the Beneficiary's temporary employment as a consultant 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.

The Director of the California Service Center approved the petition, but later revoked the approval following the issuance of a notice of intent to revoke (NOIR). The Director determined that the Petitioner did not submit sufficient evidence to establish that the Beneficiary, whose specific assignment changed subsequent to the approval of the petition, would be employed in a managerial capacity. On appeal, the Petitioner submits a brief and additional evidence.

Upon *de novo* review, we conclude that the record now contains sufficient evidence to overcome the grounds for revocation. The appeal will be sustained.

The Director issued a notice of intent to revoke after a U.S. Citizenship and Immigration Services (USCIS) officer conducted an administrative site visit and reported that neither the Beneficiary nor his subordinates appeared to be working at the California location listed on the Form I-129, Petition for a Nonimmigrant Worker. In response to the Director's notice, the Petitioner provided additional evidence that it rents and occupies the office, explained that it re-assigned the Beneficiary to a different project subsequent to the approval of this petition, and provided updated details regarding his duties, his subordinates, and his work location.[1] The Director ultimately revoked the approval based on a finding that the Petitioner did not submit sufficient evidence regarding the Beneficiary's new subordinate staff, such as: evidence that they are employed by the petitioning organization, evidence of their educational credentials, and evidence in support of its claim that the Beneficiary would continue to manage professional subordinates and perform primarily managerial duties.

[1] The Petitioner also provided evidence that it filed an amended L-1A petition with USCIS to reflect the changes in the Beneficiary's assignment. The California Service Center approved that petition in July 2017.

The Petitioner has supplemented the record on appeal with evidence of each subordinate's educational credentials and has corroborated its claim that the Beneficiary continues to manage subordinate professionals. The Petitioner also provides evidence that the Beneficiary's direct reports are all employees of the Petitioner or its foreign subsidiary, as well as evidence of the Beneficiary's supervision of these personnel.

The totality of the evidence now establishes that the Beneficiary will be employed in a managerial capacity under the extended petition.

ORDER: The appeal is sustained.

Cite as *Matter of I- Corp.*, ID# 1157217 (AAO Apr. 13, 2018)