U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42075615

Date: APR. 14, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an advertising company, seeks to continue the Beneficiary's temporary employment as its general 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 that the Petitioner did not submit sufficient credible evidence to meet its burden of proof to establish that it is doing business, and that it employs the Beneficiary in a primarily managerial or executive capacity. SCOPS based this conclusion on questions raised by various inquiries, including visits to addresses that the Petitioner has claimed as its place of business. 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

To establish eligibility for the L-1A nonimmigrant visa classification, a qualifying organization must have employed the beneficiary "in a capacity that is managerial, executive, or involves specialized knowledge," for one continuous year within three years preceding the beneficiary's application for admission into the United States. Section 101(a)(15)(L) of the Act. In addition, the beneficiary must seek to enter the United States temporarily to continue rendering services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity. *Id*. The petitioner must also establish that the beneficiary's prior education, training, and employment qualify the beneficiary to perform the intended services in the United States. 8 C.F.R. § 214.2(l)(3).

II. ANALYSIS

A. Prior Approvals

Although U.S. Citizenship and Immigration Services (USCIS) previously approved nonimmigrant petitions that this Petitioner filed on behalf of the same Beneficiary, USCIS need not defer to prior approvals in cases where there is new material information that adversely impacts a petitioner's or a beneficiary's eligibility. *See generally* 2 *USCIS Policy Manual* A.4(B)(1), https://www.uscis.gov/policy-manual. USCIS officers must articulate the reason for not deferring to the previous determination and provide the petitioner with an opportunity to respond to the new information. *Id.* The record shows that SCOPS followed this guidance, acknowledging the prior approvals and advising the Petitioner of material derogatory information in a notice of intent to deny (NOID) and affording the Petitioner an opportunity to address the derogatory information.

B. Managerial or Executive Capacity in the United States

The Petitioner contends that it employs the Beneficiary in a managerial capacity, rather than an executive capacity. Therefore, we need not consider the requirements of an executive capacity. SCOPS determined that the Petitioner did not meet its burden of proof to establish by a preponderance of the evidence that the Beneficiary's position qualifies as a managerial capacity. We agree, for the reasons explained below.

"Managerial capacity" means an assignment within an organization in which the employee primarily manages the organization, or a department, subdivision, function, or component of the organization; supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization; has authority over personnel actions or functions at a senior level within the organizational hierarchy or with respect to the function managed; and exercises discretion over the day-to-day operations of the activity or function for which the employee has authority. Section 101(a)(44)(A) of the Act.

To show that a beneficiary is eligible for L-1A nonimmigrant visa classification as a manager, a petitioner must show that the beneficiary will perform all four of the high-level responsibilities set forth in the statutory definition at section 101(a)(44)(A) of the Act. If a petitioner establishes that the offered position meets all four elements set forth in the statutory definition, the petitioner must then prove that the beneficiary will be *primarily* engaged in managerial duties, as opposed to ordinary operational activities alongside the petitioner's other employees. *See Family Inc. v. USCIS*, 469 F.3d 1313, 1316 (9th Cir. 2006). In determining whether the beneficiary's duties will be primarily managerial, we consider the description of the job duties, the company's organizational structure, the duties of the beneficiary's subordinate employees, the presence of other employees to relieve the beneficiary from performing operational duties, the nature of the business, and any other factors that will contribute to understanding the beneficiary's actual duties and role in the business.

On Form I-129, the Petitioner stated that the Beneficiary resided in [redacted] New York, and would work at the Petitioner's stated address in [redacted] New York. The form provided spaces for

additional addresses where the Beneficiary would work; the Petitioner left those spaces blank, and did not claim that there were additional work addresses.

On the Form I-129 petition, the Petitioner described its "Type of Business" as "Media Advertising." Regarding the Petitioner's overall business, the Petitioner stated: "We offer integrated advertising and marketing services in mediums such as Internet, television, and radio. We also host events for artists or art galleries."

An organizational chart submitted with the petition showed the following hierarchy:

- President
  - General Manager (the Beneficiary)
    - Advertising Design Manager
      - Graphic Designer
      - Advertising Copywriter
    - Sales and Marketing Manager
      - Social Media Specialist
      - Sales Associate
    - Client Relations Manager
      - Customer Service Contractor
    - Administration Manager
      - Administrative Assistant
      - Account Service
    - Finance Manager
      - Bookkeeper

The Petitioner submitted job descriptions for its claimed employees, along with evidence of the company's activities. The general manager's job description consisted largely of general statements about the position's level of authority, indicating that she would oversee the work of subordinate managers. The description also referred to apparently lower-level operational activities, stating that "he or she will conduct sales and marketing development, management and sales promotions, as well as networking, public relation and customer relation management."

The submitted evidence does not appear to correspond to the job descriptions. The Petitioner submitted copies of purported marketing agreements with several clients, but the record does not contain direct evidence of the Petitioner's placement of advertisements on the Internet, television, or radio. The Petitioner claims to employ a social media specialist, but the record does not document any social media activity. The Petitioner submitted materials relating to an art gallery show, an event related to the United Nations General Assembly, and some trade conventions, but these materials contain little or no information about the Petitioner's role in those events. Also, none of the submitted job descriptions for the Petitioner's employees include tasks relating to organizing gallery and convention events. This apparent lack of connection between the job descriptions and the specified activities is significant in light of the credibility issues to be discussed below.

In a NOID, SCOPS advised that USCIS officers visited the Petitioner's claimed location in December 2023, and found a different business operating at the site. An employee of that other business had no

knowledge of the petitioning entity. SCOPS also advised the Petitioner that other filings by the Beneficiary indicate that the Beneficiary resides in [redacted] Nevada, rather than in New York as the Petitioner claimed. Stating that these discrepancies cast doubt on the nature and extent of the Beneficiary's work with the Petitioner, SCOPS asked the Petitioner to explain the discrepancies and provide documentary evidence of the Beneficiary's residence, including a photocopy of the Beneficiary's driver's license.

In response, the Petitioner submitted a statement from the Beneficiary, who stated that she does not have a driver's license. The Beneficiary also claimed that she was in [redacted] in late 2023 to work with a client, and therefore she used her [redacted] address on a USCIS form that she filed at that time.

The Petitioner also submitted copies of the Beneficiary's purported lease agreements for two properties: one in [redacted] New York, dated June 2021, and the other in [redacted] New York, dated July 2025. Although the forms identify two different lessors, the lease agreement forms are identical. The Petitioner also submitted photocopies of handwritten rent receipts.

In the denial notice, SCOPS stated that the Petitioner's response to the NOID did not resolve the issue of the Beneficiary's location. USCIS repeatedly attempted to contact the Beneficiary by telephone in late 2023. USCIS was able to reach the Beneficiary on two occasions in December 2023. On both occasions, the Beneficiary was in [redacted] SCOPS reported that, on the first of those occasions, "the beneficiary told USCIS officers . . . that she was at home and needed to take her dog to the vet." SCOPS noted that the Beneficiary's statement that she was at home with her dog is not consistent with the Petitioner's claim that the Beneficiary was traveling on business at that time. During another call six days later, the Beneficiary handed the telephone to an associate who stated that the Beneficiary was working that day, and the two were on their way to meet with a client in [redacted] That same day, the president of the petitioning company claimed that the Beneficiary was not at the New York office because she was "on vacation," which conflicts with the claim that she was traveling to meet with clients. SCOPS also noted that the Beneficiary has owned a condominium in [redacted] since 2020, about two years before she purportedly began working for the Petitioner.

On appeal, the Petitioner maintains that "the Beneficiary's address and travel history were reasonable and consistent with her role" with the petitioning employer. The Petitioner maintains that the Beneficiary's ownership of a residential property in [redacted] does not prove that she lives in that property, and the Petitioner asserts that the Beneficiary's position requires frequent travel.

USCIS site visits raised a number of questions and apparent discrepancies, including but not limited to the examples discussed in this decision.[1] It is the Petitioner's responsibility to resolve discrepancies in the record with independent, objective evidence pointing to where the truth lies. Without independent corroboration, attempts to explain or reconcile the conflicting information will not suffice. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies

[1] Although SCOPS stated that the Petitioner and Beneficiary had "misrepresented" information in its communications with USCIS, the denial decision does not include a formal finding of fraud or willful misrepresentation of a material fact, with exposition of the admissibility consequences for the Beneficiary under section 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i). Nevertheless, this omission does not rule out such a finding in the future. Also, even absent such a finding, USCIS cannot properly approve an immigrant petition without first determining that the facts stated in the petition are true. *See* section 204(b) of the Act, 8 U.S.C. § 1154(b).

may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.*

In this instance, the Petitioner has responded to the derogatory information with handwritten documents and newly executed statements from the Petitioner, the Beneficiary, and their associates, rather than independent objective documentation. For instance, when asked for a copy of the Beneficiary's driver's license to establish that she resides in New York rather than Nevada, the Petitioner responded by denying that the Beneficiary has a driver's license, and submitting handwritten rent receipts uncorroborated by contemporaneous bank records. Examples of verifiable documentation, with greater evidentiary weight, might have included the Beneficiary's credit card statements, showing consistent activity with New York businesses; the Beneficiary's bank statements, showing her address and also any incoming salary payments and outgoing rent payments; certified copies of the Beneficiary's timely-filed New York state income tax returns; and airline records documenting the Beneficiary's travel to and from New York.[2]

Where the Petitioner has submitted independently verifiable evidence, that evidence has not sufficiently supported the Petitioner's claims. For example, the Petitioner submitted copies of the Beneficiary's purported pay statements from January through March of 2025, showing net pay of $5,515.12 per month. The Petitioner also submitted copies of bank statements for those same months, which do not show checks or debits in that amount that would corroborate those claimed payments to the Beneficiary. The statements do not include any identifiable transactions that relate to the Beneficiary's claimed travel between New York and [redacted]. The bank statement from January 2024, however, shows that the Petitioner made five Zelle payments of $5,000 each to the Beneficiary between January 8 and January 16. It is not clear why the Petitioner sent the Beneficiary $25,000 in the course of just over a week, but the record does not justify a presumption that these were regular salary payments or reimbursements for expenses incurred on the employer's behalf.

The bank statements in the record also raise additional questions. The purported marketing agreements in the record indicate that customers in the United States and China engaged the Petitioner's services for marketing campaigns, for fees ranging from $3,000 to $150,000. The submitted bank statements corroborate only one of these agreements, showing a $5,000 payment received in February 2025 corresponding to a January 2025 invoice.

The bank statements show hundreds of other transactions for which the Petitioner's evidence does not account. The Petitioner's bank statements from late 2025 show numerous incoming payments nearly every business day via Zelle, typically for a few hundred dollars each, from individuals rather than from businesses. The statements also list occasional incoming payments with annotations referring to the purchase of items such as bathroom sinks, home furnishings, and popcorn and ice cream machines. The Petitioner has not explained how these hundreds of incoming transactions from individuals relate to the Petitioner's stated business of providing advertising services to business customers.

Throughout this proceeding, the Petitioner has indicated that it leases office space within the offices of an insurance company in [redacted]. Among the evidence submitted to support this claim is a copy

[2] SCOPS did not request these specific documents, but we mention them here as examples of verifiable evidence to show that the Petitioner need not have relied solely on new statements and self-generated documents of unverifiable provenance.

of an insurance agent's license issued to the president of the petitioning company. This official asserts that she is an agent with the insurance company as well as the Petitioner's president. The insurance credential does not directly show that the Petitioner does business from the insurance company's offices; it establishes only that the Petitioner's president is engaged in outside employment, which raises the unanswered question of how much remaining time she is able to devote to the petitioning U.S. entity.

The Petitioner's evidence does not credibly and consistently support the Petitioner's claims regarding the nature of its business activities and the nature and location of the Beneficiary's work for the company. Therefore, we cannot adequately assess the nature of the Beneficiary's true position. We agree with SCOPS that the Petitioner has not met its burden of proof to establish, by a preponderance of the evidence, that it employs the Beneficiary in a primarily managerial capacity.

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 separate question of whether the Petitioner is doing business in the United States. *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).

We do, nevertheless, briefly note another issue that has material bearing on the Beneficiary's eligibility. The Beneficiary must have been employed outside the United States for at least one continuous year during the three years preceding the filing of the petition. *See* 8 C.F.R. § 214.2(l)(1)(i), (ii)(A); (3)(iii). A break in qualifying employment longer than two years will interrupt a beneficiary's continuity of employment with the petitioner's multinational organization. Such breaks may include, but are not limited to, intervening employment with a nonqualifying U.S. employer or periods of stay in a nonimmigrant status without work authorization. *Matter of S-P- Inc.*, Adopted Decision 2018-01 4 (AAO Mar. 19, 2018).

We do not have before us the Petitioner's initial L-1A petition, filed on November 30, 2021. But the present record before us indicates that the Beneficiary has been in the United States since November 13, 2019, when she entered as a B-2 nonimmigrant visitor, without employment authorization. She did not begin working for the Petitioner in the United States until May 2022, after the approval of the initial petition. This information indicates that the Beneficiary was outside the United States for less than one year during the three-year period from November 30, 2018 to the filing date on November 30, 2021. If the Beneficiary was outside the United States for less than a year during that time, then she cannot have been *employed* outside the United States for at least one continuous year as the regulations require. Therefore, this information appears to be disqualifying. We make these observations not as a basis for dismissal of the appeal, but rather to emphasize that any future filings by the Petitioner must address this issue.

III. CONCLUSION

We will dismiss the appeal because the Petitioner has not established that it will employ the Beneficiary in the United States in a primarily managerial capacity.

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.