U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41383166

Date: APR. 16, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner states that it is an importer and wholesaler of "general merchandise including textile, furniture and other related household goods." It seeks to employ the Beneficiary in the United States temporarily in the position of "deputy general manager" under the L-1A nonimmigrant classification for intracompany transferees who are coming to be employed in the United States in a managerial or executive capacity. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that: 1) the Beneficiary attained one continuous year of full-time employment abroad in the three years preceding the filing of this petition; 2) the Beneficiary's employment abroad was in a qualifying managerial or executive capacity; and 3) the Beneficiary would be employed in the United States in a managerial capacity.[1] 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 dismiss the appeal.

Despite our decision to dismiss this appeal, as a preliminary matter we are withdrawing SCOPS' adverse conclusion on the first issue concerning whether the Beneficiary satisfied the foreign employment provision which requires a showing that he was employed by the Petitioner's affiliate in China for at least one year in the three years that preceded the filing of the instant petition. *See* 8 C.F.R. § 214.2(l)(3)(iii). SCOPS initially acknowledged the Petitioner's claim that the Beneficiary started working for the foreign affiliate in April 2020 and correctly stated that based on this petition's filing date of December 2, 2024, the relevant three-year period in this instance is from December 3, 2021, to December 2, 2024. However, SCOPS incorrectly focused on the Beneficiary's entries into the United States as a B-2 nonimmigrant in June 2023 and May 2024, and his departure in September 2023 as the basis for concluding: "Therefore, the relevant period is between February 21, 2021[,] and November 18, 2024." SCOPS did not explain how it arrived at this new "relevant period" or the

[1] The Petitioner claims that the Beneficiary's proposed position is in a managerial capacity and does not claim that the Beneficiary would be employed in an executive capacity.

relevance, if any, of the Beneficiary's entries into and exit out of the United States in 2023 and 2024, respectively. In fact, the record indicates that the Beneficiary had approximately 18 months of employment with the Petitioner's affiliate in China prior to arriving in the United States in June 2023. Because SCOPS did not consider this relevant information and instead came up with a new "relevant period" that was not based on evidence in the record, SCOPS incorrectly concluded that the Beneficiary was not employed abroad for at least one year during the relevant three-year period. We therefore withdraw SCOPS' conclusion on this issue.

Notwithstanding our favorable determination concerning the first ground for denial, on appeal the Petitioner does not dispute the evidentiary deficiencies concerning the second ground, which concerns the issue of whether the Beneficiary's employment abroad was in a managerial or executive capacity. Because the Petitioner has not addressed this second ground of ineligibility, we deem the issue waived and dismiss the appeal accordingly for this dispositive issue. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

Further, even if we were to consider the Petitioner's arguments on appeal regarding the third ground, which concerns the Beneficiary's proposed employment in the United States, the Petitioner did not adequately address the deficiencies in the denial where SCOPS determined that the Petitioner provided a job duty breakdown where the percentages totaled over 100% and where the Petitioner provided "a vague and nonspecific description of the [B]eneficiary's duties." SCOPS also found that there was an inconsistency between the Petitioner's organizational chart and its quarterly tax report, noting that the latter did not include [redacted], whom the organizational chart labeled as "Business Department Manager" and "Finance Department Manager," respectively.

On appeal, the Petitioner argues that SCOPS "mistakenly mistook the names of the managers" and lists the names as they appear in the 2024 fourth quarter tax report – [redacted]. The Petitioner does not explain the reason for the inconsistent spelling of names and asserts, "There is thus no question regarding the organizational chart or financial strength of the U.S. affiliate or foreign affiliate." More importantly, the Petitioner does not address SCOPS' concerns about the deficiencies in the Beneficiary's job duty breakdown or offer a detailed description of the Beneficiary's proposed job duties as required. *See* 8 C.F.R. § 214.2(l)(3)(ii). While the Petitioner states that an appeal brief and additional evidence is forthcoming, as of this date, the record contains no evidence that either has been received.

Accordingly, the Petitioner has not established that the Beneficiary was employed abroad and would be employed in the United States in a managerial or executive 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.