U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-R-E-, INC.

DATE: AUG. 9, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a hotel owner and operator, seeks to continue the Beneficiary's employment as its president and chief executive officer (CEO) under the L-1A nonimmigrant classification for intracompany transferees.[1] 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 denied the petition, concluding that the Petitioner did not establish that it would employ the Beneficiary in a managerial or executive capacity. The Director further found that the Petitioner did not show that the Beneficiary had one year of employment abroad in a managerial or executive capacity in the three years preceding the filing of the petition.

Upon *de novo* review of the record, we will sustain the appeal.

The Petitioner has established by a preponderance of the evidence that the Beneficiary was employed abroad, and will be employed in the United States in an executive capacity as defined at section 101(a)(44)(B) of the Act. The Director's decision does not contain a full analysis of all relevant evidence submitted in support of the Petitioner's claims regarding the Beneficiary previous and intended employment capacity. We have reviewed the record in its totality and find the evidence sufficient to support those claims. Further, the record establishes that the Beneficiary had the required one year of continuous full-time employment with a qualifying organization abroad in the three years preceding the filing of the initial L-1A petition filed on his behalf. *See* 8 C.F.R. § 214.2(l)(3)(iii).

ORDER: The appeal is sustained.

Cite as *Matter of A-R-E-, Inc.*, ID# 1576126 (AAO Aug. 9, 2018)

[1] The Petitioner previously filed a "new office" petition on the Beneficiary's behalf which was approved for the period , 2014, until , 2015. The Petitioner then filed a petition to extend his status for two years, and that petition was also approved and valid from 2015, until 2017.