U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43833080

Date: AUG. 10, 2026

Motion on Administrative Appeals Office 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.[1] *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.

U.S. Citizenship and Immigration Services (USCIS) denied the petition, concluding that the Petitioner did not submit sufficient credible evidence establishing that it is doing business, and that it employs the Beneficiary in a primarily managerial or executive capacity. USCIS's conclusion was based on questions raised by various inquiries, including site visits to addresses that the Petitioner has claimed as its place of business. On appeal, we determined that the Petitioner did not provide sufficient credible evidence to support its claims regarding the nature of its business activities and the nature and location of the Beneficiary's work. We therefore concluded on appeal that the Petitioner did not establish that it employs the Beneficiary in a primarily managerial capacity[2] and we dismissed the Petitioner's appeal on this basis, reserving 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 also briefly addressed the issue of the Beneficiary's employment abroad, noting that this issue was not a basis for our dismissal of the appeal, but that we would nevertheless advise the Petitioner of additional potentially disqualifying information that we deemed as having "material bearing on the Beneficiary's eligibility." The matter is now before us on a combined motion to reopen and reconsider.

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[1] Although we acknowledged that previously approved nonimmigrant petitions had been filed by this Petitioner on behalf of the same Beneficiary, we noted that deference to prior approvals is not necessary 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.

[2] 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.

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). Upon review, we will dismiss the combined motion.

First, we will address the Petitioner's motion to reopen, which must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

In our prior appeal decision, we catalogued significant inconsistencies and anomalies that were gleaned from the record and from multiple phone calls made by USCIS to the Beneficiary as well as USCIS site visits to the Petitioner's purported place of business. We explained how the noted deficiencies undermine the Petitioner's claims concerning the Beneficiary's U.S. employment in a managerial capacity and we highlighted the importance of submitting independent corroborating evidence to resolve the deficiencies, noting that attempting to explain or reconcile the conflicting information, such as through handwritten documents and newly executed statements from the Petitioner, the Beneficiary, and their associates, would not be sufficient as these would not constitute independent objective documentation; we further cautioned that any unresolved material inconsistencies may cause us to reevaluate the reliability and sufficiency of other evidence in the record. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). For additional clarity, we stated the following, while noting that USCIS did not request these specific documents or limit what the Petitioner might send as evidence:

> 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.

On motion, the Petitioner relies, in large part, on previously submitted documents and newly executed statements and does not offer new facts supported by sufficient verifiable documentation addressing the previously described discrepancies.

Our prior decision emphasized the importance of submitting *verifiable documentation* to address those inconsistencies, but instead the Petitioner offers additional statements and handwritten rent receipts in attempt to resolve conflicting evidence regarding the Beneficiary's claimed residence in New York. And despite having been put on notice about the need to submit, and suggested types of credible evidence required to address the considerable discrepancies in the record, the Petitioner continues to submit insufficient evidence. For instance, the Petitioner has submitted uncertified tax returns and credit card and bank statements that do not include transactions of the Beneficiary's outgoing rent

payments to verify continued residence in New York at the Petitioner's stated location,[3] nor transactions that can be identified as the Beneficiary's incoming salary compensation to demonstrate consistent employment in conformance with the petition and managerial capacity. Additionally, the tax returns and credit card and bank statements all list a home address that is inconsistent with information contained in the described lease agreements.

We further note that the three credit card statements the Petitioner provides on motion list six or fewer transactions in December 2021, January 2022, and January 2023, each showing that the transactions were completed in ten days or less throughout the respective month. The Petitioner also provides the Beneficiary's travel itinerary for a single trip that involved a departure from and arrival to New York following a 54-day stay in [redacted], Nevada from December 8, 2023, to January 30, 2024. However, neither the single trip nor the handful of purchases in New York during three brief periods serves as sufficient evidence that the Beneficiary resided and worked in New York, as claimed. More importantly, this evidence is not sufficient to adequately address the questions and apparent discrepancies that were uncovered in the course of USCIS's phone calls to the Beneficiary and site visits to the Petitioner's claimed place of business.

In addition, the Beneficiary's bank statement from March 2023 shows a deposit of $5,507.74 and her statement from May 2024 shows that the Petitioner made five Zelle payments of $5,511 each to the Beneficiary between May 28 and June 3. However, as determined in our prior decision where we discussed similar transactions in a January 2024 bank statement, there is no presumption, particularly given the stated deficiencies, and prior indicated discrepancies, that either the 2023 deposit or the five Zelle payments in 2024 reflect the Beneficiary's regular salary payments or reimbursements for work-related expenses.

Although the Petitioner provides a "Letter of Explanation Regarding Zelle Transfers" in an attempt to address our concerns about the ambiguous Zelle transactions mentioned in our prior decision, the Petitioner's written statement is not verifiable evidence sufficient to cure the considerable evidentiary deficiencies we highlighted in the dismissal of the appeal. Additionally, we previously cautioned the Petitioner to refrain from relying on handwritten documents or new statements from the Petitioner, the Beneficiary, or their associates alone as a means of resolving material inconsistencies. *See Matter of Ho*, 19 I&N Dec. at 591-92.

The Petitioner nevertheless provides several such statements, including the letter discussed above as well as a "Letter of Explanation Regarding Limited Insurance-Related Activities" from the company president and two form letters titled "Landlord Confirmation Letter" from the landlords named in the Beneficiary's lease agreements. The Petitioner also attempts to explain and reconcile various

[3] Importantly, the Beneficiary's credit card statements from 2022 and 2023, her bank statements from 2023 and 2024, and her tax returns from 2022 through 2024 contain conflicting information about her place of residence. Although these documents are all dated prior to July 2025, they list the Beneficiary's home address as [redacted] New York. Meanwhile, the lease agreements that the Petitioner previously provided and now resubmits on motion indicate that the Beneficiary resided at [redacted] New York for the dates covered by her financial documentation, including when she purportedly filed her tax returns, and for the dates the submitted credit card and bank statements were issued. The lease agreement for the [redacted] property indicates that the Beneficiary did not start residing at that address until July 1, 2025.

anomalies concerning its method of compensating the Beneficiary and incoming payment transactions listed in the Petitioner's bank statements. The Petitioner refers to our discussion of certain series of banking anomalies as an "apparent discrepancy" which it claims can be "fully and simply explained" and further attributes the multiple Zelle payments it received from personal rather than business accounts to "practical realities of cross-border transactions" without providing verifiable documentation as "independent, objective evidence pointing to where the truth lies." *Id.*

While the Petitioner provides a copy of the Beneficiary's New York-issued learner's permit which lists the [redacted] address, the permit shows an issue date of March 2026, thereby establishing that it was obtained after May 2025, when this petition was filed, and does not establish the Beneficiary's eligibility *at the time of filing*.[4] *See* 8 C.F.R. § 103.2(b)(1).

In sum, the Petitioner has not offered new facts supported by documentary evidence establishing a basis for reopening this matter.

Next, we will address the Petitioner's motion to reconsider, which must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

On motion, the Petitioner contests the correctness of our analysis regarding the Beneficiary's employment abroad, an issue which we stated did not serve as a basis for dismissal of the appeal, but which we nevertheless briefly discussed given its "material bearing on the Beneficiary's eligibility." The Petitioner in its motion to reconsider does not contest any of the issues that served as the direct basis for the appeal's dismissal. The Petitioner argues that we incorrectly read the regulatory standard and that our analysis "conflates physical presence in the United States with the legal concept of qualifying employment abroad," adding that "[t]he regulation requires qualifying employment, not physical absence from the United States."

We disagree and find that the Petitioner has provided no evidence to support these arguments. In fact, contrary to the Petitioner's assertions, the following is true: "The 1-year foreign employment requirement is only satisfied by the time a beneficiary spends physically outside the United States working full-time for the petitioner or a qualifying organization." 2 USCIS Policy Manual, L.6(G)(1), https://www.uscis.gov/policy-manual/volume-2-part-l-chapter-6.

As noted in our prior decision, the initial L-1A petition was filed by the Petitioner on the Beneficiary's behalf on November 30, 2021, thereby establishing that the Beneficiary's continuous one year of foreign employment must have occurred in the three-year period from November 30, 2018, to the filing date on November 30, 2021. We also discussed the Beneficiary's latest entry to the United States as a B-2 nonimmigrant visitor on November 13, 2019, finding that the Beneficiary could not have been employed outside the United States for at least one continuous year based on her physical

[4] In response to a previously issued notice of intent to deny which was issued in June 2025, the Petitioner included a statement from the Beneficiary, who stated that she does not have a driver's license.

presence in the United States during the period in question. Although the Petitioner argues that the Beneficiary "did not resign from or terminate her foreign employment upon entering the United States," it offers no evidence to show that the Beneficiary was physically outside the United States for the required one-year period. Furthermore, the Petitioner has not established that our prior decision was based on an incorrect application of law or policy, and in fact the opposite is true, since USCIS policy directly contradicts the Petitioner's argument. *See id.*

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established eligibility. On motion to reconsider, the Petitioner has not established that our previous decision was based on an incorrect application of law or policy at the time we issued our decision. Therefore, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

NOTICE: 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.