U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 7407905

Date: FEB. 6, 2020

Appeal of California Service Center Decision

PETITION: Form I-129, Petition for L-1A Manager or Executive

The Petitioner claims to be a provider of investment research and marketing services and data analytics solutions. It seeks to temporarily employ the Beneficiary as its "Country 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).

The Director of the California Service Center revoked the approval of the petition after conducting a site visit, which led the Director to conclude that the Petitioner is not conducting business at the address of the site visit and that the Beneficiary's U.S. employment is in a managerial capacity.

The matter is now before us on appeal. The Petitioner argues that the Director overlooked the fact that the Beneficiary's work location is in California, which is separate from the Petitioner's headquarters and place of business in [redacted] Illinois. The Petitioner points out that this information was disclosed at the time of filing the petition.

Upon review, we find that the Director incorrectly relied on a site visit to the Beneficiary's home office, rather than the Petitioner's place of business, to conclude that the Petitioner was not doing business. Further, because the USCIS officer who conducted that visit was unable to make contact with the Beneficiary, the site visit also cannot serve as a basis for finding that the Beneficiary's employment in the United States is not in a managerial capacity. Therefore, we will withdraw the Director's decision and remand the matter for further consideration.

ORDER: The decision of the Director is withdrawn. The matter is remanded for further proceedings consistent with the foregoing opinion and for the entry of a new decision.