U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 11853027

Date: FEB. 25, 2021

Appeal of California Service Center Decision

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

The Petitioner, a company engaged in e-commerce and online retail, seeks to continue the Beneficiary's temporary employment as its president 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).

Following a post adjudicative site visit and further review of the record, which included evidence provided in response to a notice of intent to revoke, the Director of the California Service Center determined that the record lacked sufficient evidence showing that the Petitioner is doing business in the U.S., and that the Beneficiary would be employed in a managerial or executive capacity in the United States. The Director revoked approval of the petition. The Petitioner filed motions to reopen and reconsider that were subsequently dismissed. Now the matter is before us on appeal. In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361.

On appeal, the Petitioner disputes the revocation because it was based on a site visit when the office was in the process of moving to a new location. The Director noted that during the site visit, the Petitioner was not located in the given business address, and it appeared that they moved out of that location. During the visit, the officer could not locate any employees or representatives of the Petitioner. Thus, without the ability to visit the business or interview any of the Petitioner's staff, it was not clear if the Petitioner was doing business or if the Beneficiary was acting in an executive capacity. On appeal, the Petitioner provides evidence showing that it was in the process of moving the office to a new location and it was still doing business during this time period.

Upon *de novo* review, the record shows that the Petitioner provided sufficient evidence to support its claims. The Petitioner provided documentation evidencing that the Petitioner re-located to a new office during the time of the site visit. For example, the Petitioner submits lease agreements, invoices, a statement from the previous landlord, seller's permit, and promotional materials discussing an office move during the timeframe of the site visit. In addition, the Petitioner presents evidence of the Beneficiary's job duties and the organizational structure of the company to indicate that the Beneficiary acts in an executive capacity in her position in the U.S. The evidence shows that the Beneficiary has and continues to assume a senior leadership role within the organization. It also

indicates that the Petitioner more likely than not had sufficient support from subordinate employees to relieve the Beneficiary from having to primarily engage in daily operational tasks.

In light of the above, we find that the Petitioner has satisfied the preponderance of the evidence standard of proof. Therefore, we will sustain the appeal.

ORDER: The appeal is sustained.