U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF H-R-G-, INC.

DATE: JAN. 23, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, planning to operate a restaurant as part of a group of similar restaurants, seeks to temporarily employ the Beneficiary as the general manager of its new office[1] under the L-1A nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act (the Act) § 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 an executive or managerial capacity.

The Director of the California Service Center denied the petition, concluding that the Petitioner did not establish, as required, that it has a qualifying relationship with the Beneficiary's foreign employer. The Director determined that the record lacked sufficient evidence to establish that the same person or group of individuals have effective de jure or de facto control of the Petitioner and the Beneficiary's foreign employer.

The matter is now before us on appeal. In its appeal, the Petitioner provides a brief containing two charts, which outline the ownership schemes of the Beneficiary's employer abroad and his proposed employer in the United States. The Petitioner also resubmits evidence supporting the ownership schemes depicted in these charts, which indicate that through direct and indirect ownership, the same individual – [redacted] – owns the majority of the shares of both entities.

Upon *de novo* review, we find that the Petitioner has provided sufficient evidence to show that a denial was not warranted in this instance. Accordingly, we will withdraw the denial and sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of H-R-G-, Inc.*, ID# 881298 (AAO Jan. 23, 2018)

[1] The term "new office" refers to an organization which has been doing business in the United States for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a "new office" operation no more than one year within the date of approval of the petition to support an executive or managerial position.