U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40935081

Date: JULY 15, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1A Manager or Executive)

The Petitioner intends to provide "quality agricultural commodities to the American market." It seeks to employ the Beneficiary as "Managing Member" at its new office[1] 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).

USCIS denied the petition, concluding that the record did not establish that: 1) the Petitioner and the foreign entity have a qualifying relationship; 2) the Petitioner secured sufficient physical premises to house its new office; and 3) the Beneficiary's position abroad was in a managerial or executive capacity. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. [2]

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). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal because the Petitioner has not established that the Beneficiary was employed abroad in a managerial or executive capacity. Because the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the remaining issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

[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.

[2] The Petitioner stated in Part 3 of the Form I-290B, Notice of Appeal or Motion, that it submitted "substantial evidence demonstrating the qualifying relationship" between it and its foreign parent and that an explanation was attached "in support of this motion." The Form I-290B however, shows that the Petitioner checked box 1.a, which corresponds with the filing of an appeal rather than a motion. Despite the mistaken reference, we will treat the current filing as an appeal.

I. LAW

To establish eligibility for the L-1A nonimmigrant visa classification, a qualifying organization must have employed the beneficiary in a managerial or executive capacity, or in a position requiring specialized knowledge for one continuous year within three years preceding the beneficiary's application for admission into the United States. 8 C.F.R. § 214.2(l)(1). In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity. 8 C.F.R. § 214.2(l)(3)(ii).

In addition, regarding a new office petition, the petitioner must submit evidence to demonstrate that the new office will be able to support a managerial or executive position within one year. This evidence must establish that the petitioner secured sufficient physical premises to house its operation and disclose the proposed nature and scope of the entity, its organizational structure, its financial goals, and the size of the U.S. investment. *See generally*, 8 C.F.R. § 214.2(l)(3)(v).

II. ANALYSIS

The issue to be addressed concerns the matter of the Beneficiary's foreign employment. USCIS determined that the record contains insufficient evidence showing that the Beneficiary was employed abroad in a managerial capacity, as claimed.[3] However, to satisfy the entirety of the foreign employment requirement, the Petitioner must not only establish that the Beneficiary was employed abroad in a managerial capacity for one continuous year prior to filing this petition, but also that the Beneficiary's employment abroad was with a qualifying organization. *See* 8 C.F.R. § 214.2(3)(v)(B); *see also* 8 C.F.R. § 214.2(l)(1)(G)(*1*).

As a preliminary matter, we find that the Petitioner has not established that the Beneficiary's employment abroad was with a qualifying entity that is related to the Petitioner as a parent, branch, subsidiary, or affiliate. *See* 8 C.F.R. § 214.2(l)(1)(I)-(L) (defining parent, branch, subsidiary, and affiliate, respectively). At the time of filing, the Petitioner listed Farm Fix Investment Ltd., the Petitioner's claimed parent in Nigeria, as the Beneficiary's employer abroad, claiming that such employment commenced on March 10, 2021. However, U.S. Department of State (DOS) records contain a nonimmigrant visa (NIV) application that the Beneficiary filed on December 13, 2022, where he listed [redacted] as his "present employer," stating that he was [redacted] "chairman and managing director" and had been working there since February 3, 2010.[4] The Petitioner does not claim, nor does the record contain evidence that [redacted] and the Petitioner are related such that the entity the Beneficiary listed as his employer in the 2022 NIV application can be deemed a qualifying organization for purposes of satisfying the relevant eligibility criteria. *See* 8 C.F.R. § 214.2(3)(v)(B); *see also* 8 C.F.R. § 214.2(l)(1)(G)(*1*).

[3] The Petitioner does not claim that the Beneficiary was employed abroad in an executive capacity.

[4] U.S. Department of State records show that the Beneficiary previously filed two other NIV applications in 2018 and 2016, respectively, both listing [redacted] as the Beneficiary's "present employer." Since the 2018 and 2016 NIV applications precede the foreign employment date listed in the current L-1 petition, they are not relevant to this discussion and need not be further addressed.

The inconsistency described above causes us to question the veracity of the Petitioner's claims concerning the Beneficiary's alleged employment abroad with [redacted] Ltd. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988) (establishing that discrepancies in the record must be resolved with independent, objective evidence pointing to where the truth lies). Although the record contains company generated paystubs containing the Beneficiary's name and purported earnings at [redacted] Ltd., the earliest of the paystubs is dated June 30, 2023, and would not be sufficient to establish that the Beneficiary was employed at [redacted] Ltd. as of March 2021, as claimed. In addition, the Petitioner has not established that internally generated documents, such as paystubs, qualify as "independent, objective evidence" sufficient to overcome the discrepancy described above. *See id.*

Furthermore, the discrepancy aside, the Petitioner has not established that the job description pertaining to the Beneficiary's claimed position as the foreign entity's "Director of Business Development and Promotion" contains sufficient information about the job duties he purportedly performed. The initial job description states that the Beneficiary's job duties included the following:

- Provide visionary leadership and strategic direction to the company, ensuring alignment with its mission, values, and goals.
- Oversee the development and implementation of operational policies, procedures, and initiatives to drive organizational growth and profitability.
- Foster a culture of innovation, collaboration, and accountability among employees, promoting a high-performance work environment.
- Build and maintain strong relationships with stakeholders, including investors, clients, partners, and regulatory authorities.
- Monitor industry trends and market dynamics to identify opportunities for expansion, diversification, and competitive advantage.
- Manage financial performance by setting and achieving revenue targets, controlling costs, and optimizing resource allocation.
- Represent the company publicly, serving as its spokesperson and championing its interests in various forums and events.

In a subsequent request for evidence (RFE), the Petitioner was asked to provide a more detailed description of the Beneficiary's foreign job duties. The Petitioner was asked to list the Beneficiary's typical managerial duties and to provide the percentage of time spent performing each duty. The Petitioner was also asked to address the elements of the statutory definition of managerial capacity, explaining how the Beneficiary's foreign employment met each element and how the Beneficiary made decisions within the context of the foreign entity's daily operations.

the response includes a letter on the foreign entity's letterhead offering additional general information about the Beneficiary's claimed position abroad. In an effort to explain how the Beneficiary supervised or controlled the work of other supervisors, the letter states the following:

> In line with the organizational structure, departmental heads are empowered to supervise their direct report and set performance standards and goals in line with the performance management structure and system in the organization. They are to hold their direct report responsible for results, while they are accountable. Each

> departmental manager also provides departmental performance feedback during the monthly performance review. Where there are performance gaps identified during the reviews, the Director, Business Development and Promotions may provide support either directly (mostly advisory) or by approval of funding for requisites additional resources (human, tools and materials) that are required to enhance or improve the performance as required to support the business goals.

The letter offers the following to explain how the Beneficiary managed "the organization, department, subdivision, function or component of the organization":

> We agree on the business goals for the year with the board, which is then defined through the business planning process with the heads of various functional departments, who then cascade this to their reports. These goals are translated into performance plans and strategies. Weekly meetings (weekly performance review) are held with the heads of various functional departments and a few of their employees, to review the action plans for the previous week based on capitalization schedules, network, marketing and sales performance reports, and identified tactical interventions for the week with a view to baseline performance, identify gaps and prefer corrective action plan for the new week.
>
> Monthly reviews of achievements versus targets through the performance management process of planned versus achieved targets in order to access variations in terms of target set versus achievement. Where an individual is underperforming, we provide coaching support, and where formal training is required, such is deployed accordingly.

The letter from the foreign entity does not explain the decision-making process of the Beneficiary's claimed position abroad and while the letter broadly addresses two of the four statutory elements comprising the definition of managerial capacity, it lacks the requested percentage breakdown of the typical managerial job duties assigned to the Beneficiary's purported position. Rather, the letter continues to offer only general information that mainly highlights the position's discretionary authority, such as through "approval of funding" or providing "coaching support," but it does not provide a detailed account of the job duties the Beneficiary is claimed to have performed in the daily course of the foreign entity's "integrated farm and agro-allied business."

On appeal, the Petitioner asserts that the previously submitted letter from the foreign entity's CEO "clearly demonstrates" that the Beneficiary's responsibilities "meet the statutory definitions of managerial and executive capacity." We disagree. Our prior analysis highlights the job description's considerable deficiencies, most notably the lack of a detailed account of the Beneficiary's specific job duties, as requested in the RFE. And to the extent that the Petitioner now claims that the Beneficiary's foreign position also meets the statutory definition of executive capacity, the Petitioner raises a new claim that we will not consider for the first time on appeal. *See Matter of Furtado*, 28 I&N Dec. 794, 801-02 (BIA 2024) (declining to consider new evidence on appeal when the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it) (citing *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988)); *see also* 8 C.F.R. § 103.2(b)(11) (requiring that in response to a request for evidence or notice of intent to deny, all evidence must be submitted together

at one time and that submitting only some of the requested evidence will be considered a request for a decision on the record).

Further, merely offering a list of broadly stated responsibilities that convey a sense of the Beneficiary's discretionary authority over personnel and "organizational goals" does not necessarily establish that the Beneficiary performed in a managerial capacity within the meaning of section 101(a)(44)(A) of the Act. By statute, eligibility for this classification requires that the duties of a position be "primarily" managerial or executive in nature. Sections 101(A)(44)(A) and (B) of the Act. To make this determination, we rely on specific information about a beneficiary's actual daily tasks as an important indicator of whether their duties are primarily managerial in nature; otherwise meeting the definitions would simply be a matter of reiterating the regulations. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d. Cir. 1990).

Here, the Petitioner did not provide the requested information about the Beneficiary's claimed job duties abroad. Further, although the Petitioner provided a list of 14 individuals claimed to be employees of the foreign entity, the Petitioner's earlier description of the foreign operation is inconsistent with this staffing composition. Namely, the Petitioner's supporting statement describes the foreign entity's operation as a "dedicated workforce comprising more than 80 individuals employed across various farm operations and 12 graduates managing administrative functions."

In sum, not only did the Petitioner neglect to provide a detailed description of the job duties the Beneficiary is claimed to have performed in his purported position as the foreign entity's director of business development and promotion, but the record also contains inconsistent information about the foreign entity's staffing composition. *See Matter of Ho*, 19 I&N Dec. at 591-92. These considerable evidentiary deficiencies, along with the inconsistent information the Beneficiary provided in his NIV application in 2022, undermine the Petitioner's claims and preclude a favorable determination concerning the Beneficiary's employment abroad.

III. CONCLUSION

The record lacks sufficient credible evidence demonstrating that the Beneficiary was employed by a qualifying entity abroad in a managerial capacity. Therefore, this petition cannot be approved.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). 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.