U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38330031

Date: JUNE 23, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, a provider of IT services for blockchain technology servers, seeks to employ the Beneficiary temporarily as president of 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).

Service Center Operations (SCOPS) revoked the approval of the petition, concluding that the record did not establish that: 1) the Petitioner and the Beneficiary's employer abroad have a qualifying relationship; 2) the Beneficiary's employment abroad was with [redacted] the Petitioner's claimed parent entity; 3) the Beneficiary's position abroad was in a managerial or executive capacity; and 4) the Petitioner would support the Beneficiary in a managerial or executive capacity within one year of the petition's approval. We summarily dismissed a subsequent appeal, and the matter is now before us on motion to reopen.

A motion to reopen 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).

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). Because the Petitioner has submitted evidence showing that an appeal brief was timely submitted and received, we will withdraw our prior summary dismissal. However, upon review, we will dismiss this motion because the Petitioner did not establish that the Beneficiary was employed abroad by [redacted], the foreign entity with whom the Petitioner claims to have a qualifying relationship. Since the identified basis for the revocation is dispositive of the motion, we decline to reach and hereby reserve the Petitioner's arguments regarding the remaining issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts

[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).

and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach").

I. LAW

To establish eligibility for the L-1A nonimmigrant visa classification, a qualifying organization must have employed the beneficiary "in a capacity that is managerial, executive, or involves specialized knowledge," for one continuous year within three years preceding the beneficiary's application for admission into the United States. Section 101(a)(15)(L) of the Act. 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 specialized knowledge capacity. *Id.*

In addition, the approval of an L-1A petition may be revoked on notice under six specific circumstances. 8 C.F.R. § 214.2(l)(9)(iii)(A). Prior to revoking the approval of a petition, SCOPS must issue a notice of intent to revoke that contains a detailed statement of the grounds for the revocation and the time period allowed for rebuttal. 8 C.F.R. § 214.2(l)(9)(iii)(B).

II. EMPLOYMENT ABROAD

In its initial supporting statement, the Petitioner listed the Beneficiary's foreign employer as [redacted], stating that it was founded in October 2020 by a group of blockchain and enterprise technology service "experts" seeking to offer "blockchain business solutions worldwide." The Petitioner stated that the Beneficiary was one of [redacted] founding members and served as its Chief Operating Officer (COO) since November 2020, when "the core management team" appointed him to serve in that position. The petition form, however, lists January 1, 2020, as the start of the Beneficiary's employment with [redacted] thereby creating the first of serval inconsistencies concerning the Beneficiary's claimed employment abroad.

Subsequent to approval of the petition, SCOPS issued a notice of intent to revoke (NOIR) which identified evidentiary deficiencies concerning the issue of the Beneficiary's foreign employment. First, SCOPS discussed a letter in which the foreign entity's CEO informed USCIS that the Beneficiary was never on the company's payroll. SCOPS also noted that further review of USCIS records revealed that another Form I-129, Petition for a Nonimmigrant Worker, was filed on behalf of the Beneficiary claiming that he was the general manager (GM) of [redacted] at the same time he was claimed to have been employed as COO of [redacted].

SCOPS acknowledged the Petitioner's response, which included a letter and [redacted] foreign trading business registration form, which listed [redacted] as the legal representative and the Beneficiary as a "business contact." SCOPS also recognized that there may be various acceptable forms of compensation beyond payment through a business's payroll. In this case, the Petitioner's NOIR response letter states that the Beneficiary was given a "stake of the company share" in exchange for allegedly assuming the role of [redacted] COO.

The NOIR response also addressed the competing foreign employment claim associated with the other Form I-129. The Petitioner explained that the Beneficiary's position as GM at [redacted] was part of an "arrangement of the family business for shareholding arrangement

purpose" and was not inconsistent with the Beneficiary's claimed full-time position at [redacted] Despite considering the Petitioner's arguments and submissions, SCOPS determined that the Petitioner did not overcome the adverse findings regarding the Beneficiary's employment abroad, noting that no evidence was provided to show that the Beneficiary was somehow compensated, whether through issuance of stock or by some other means, for his alleged role as [redacted] COO. SCOPS also noted that the referenced "arrangement" between the Beneficiary and [redacted] furthers the possibility that the Beneficiary could have held an official title at [redacted] without having functioned as its full-time COO.

On appeal, the Petitioner argued that SCOPS committed "procedural error" by revoking approval of the petition "for not providing evidence without probable cause." The Petitioner's reference to the term "probable cause" was without basis, as there is no such requirement in the regulations. In fact, the approval of an L-1A petition may be revoked on notice under six specific circumstances that are enumerated at 8 C.F.R. § 214.2(l)(9)(iii)(A). To properly revoke the approval of a petition, SCOPS must issue a NOIR specifying the grounds for the revocation and the time period allowed for rebuttal. 8 C.F.R. § 214.2(l)(9)(iii)(B). Here, prior to revoking the petition, SCOPS issued a NOIR that listed the intended grounds for the revocation and explained how the record was deficient in supporting the facts put forth in the petition. As such, the record shows that the revocation was properly issued. *See* 8 C.F.R. § 214.2(l)(9)(iii)(A)(*4*).

The Petitioner also argued that there are no inconsistencies on the issue of the Beneficiary's employment abroad, despite competing employment claims made in support of another Form I-129 petition, where a different petitioner claimed that the Beneficiary was employed abroad as GM of [redacted] during the same period he is claimed to have been employed as COO of [redacted]. The Petitioner asked that we review appeal Exhibit C for clarification of "the actual facts of the [Beneficiary's] compensation arrangement," referencing a "shareholding arrangement" that the Petitioner claims gave the Beneficiary indirect ownership of 15,000 shares of [redacted] stock. The Petitioner explained that while the 15,000 shares were directly issued to [redacted], the Beneficiary is the actual owner of those shares based on his claimed ownership of the entity to whom those shares were issued. The Petitioner must resolve the noted discrepancies in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

The evidence submitted on appeal does not resolve inconsistencies or support the Petitioner's claims regarding the Beneficiary's alleged employment at [redacted] and his claimed compensation in the form of stock. First, the record contains no evidence of a "shareholding arrangement" between the Beneficiary and [redacted]. Further, the referenced Exhibit C contains no evidence establishing that the Beneficiary is owner of [redacted] In fact, even if the Beneficiary's ownership of [redacted] was not in question, the record contains no evidence that any stock issued to [redacted] was part of a "shareholding arrangement" since there is no documentation memorializing this claimed arrangement between the Beneficiary and [redacted].

And although the Petitioner provided documents pertaining to [redacted] a Caymen Islands entity, it did not explain the relevance of the evidence, which includes [redacted] Memorandum of Association, its Register of Directors and Officers listing the Beneficiary and [redacted] as the

entity's directors, and its Register of Members and corresponding share certificates listing [redacted] as one of [redacted] shareholders (owning 15,000 shares). It is unclear how these documents are relevant to Beneficiary's alleged "shareholding arrangement," which is claimed to be part of his compensation for his purported role as [redacted] COO. In fact, while the Petitioner referred to [redacted] as a "company that affiliates" with [redacted] it did not explain the nature of the claimed affiliation, nor does the record establish that the two entities are affiliated since neither [redacted] nor its shareholders are listed in [redacted] bylaws or Certificate of Shareholders. *See* 8 C.F.R. § 214.2(l)(1)(ii)(L) (defining the term "affiliate").

Lastly, the Petitioner provided a document that it described as a "working record" of the Beneficiary's role as the foreign entity's COO. The document consists of a self-generated account of several online chats that purport to represent interactions between the Beneficiary and work associates on dates that fell within the Beneficiary's claimed period of employment with [redacted] Although the foreign dialogue in the chats is translated into English, the evidence is not accompanied by a certified English language translation where the translator has certified that the translation is complete and accurate, and that the translator is competent to translate from the foreign language into English. 8 C.F.R. § 103.2(b)(3). Moreover, the self-generated content is not accompanied by corroborating original documents showing that the chats in the purported "working record" actually took place or that they took place on the indicated dates, which were also self-generated.

Accordingly, the Petitioner has not provided independent, objective evidence resolving the noted inconsistencies pertaining to the Beneficiary's claimed employment with [redacted]. *See Matter of Ho*, 19 I&N Dec. at 591-92. We further note that unsupported assertions, such as those contained in the self-generated chat document, have little evidentiary value and are insufficient to establish a filing party has satisfied their burden of proof; such assertions do not even make a prima facie eligibility showing. *See Matter of Mariscal-Hernandez*, 28 I&N Dec. 666, 673 (BIA 2022); *see also Matter of Azrag*, 28 I&N Dec. 784, 787 (BIA 2024).

For the reasons discussed above, the Petitioner has not established that the Beneficiary was employed abroad by [redacted], as claimed.

III. CONCLUSION

Although we withdrew our summary dismissal and addressed the merits of the matter before us, the Petitioner has not established eligibility for the requested benefit. Therefore, the petition cannot be approved, and the Petitioner's motion must be dismissed.

ORDER: The motion to reopen is dismissed.