U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41469598

Date: MAR. 09, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks to temporarily employ the Beneficiary as its "executive owner" under the L-1A nonimmigrant classification for intracompany transferees and states he is coming to be employed in a new office. *See* Immigration and Nationality Act (the Act) section 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 a managerial or executive capacity.

SCOPS denied the petition on five separate grounds, concluding that the record did not establish that (1) the Beneficiary has at least one continuous year of full-time employment abroad with a qualifying organization in the three years preceding the filing of the petition; (2) the Beneficiary's employment abroad was in a managerial or executive capacity; (3) the Petitioner has secured sufficient physical premises to house a new office; (4) the Petitioner will employ the Beneficiary in a managerial or executive capacity within one year; and (5) the Beneficiary's services will be used for a temporary period and he will be transferred to an assignment abroad upon completion of his assignment. With respect to each ground for denial, SCOPS observed that the Petitioner's September 2025 response to a request for evidence (RFE) did not include any additional documentation.

The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner asserts that SCOPS' decision "rests on the mistaken premise that the Petitioner did not provide additional documentation," noting it timely submitted evidence addressing each issued raised in the RFE. It contends that SCOPS erroneously denied the petition without considering all evidence presented, and maintains that the record demonstrates, by a preponderance of the evidence, that the Beneficiary qualifies for L-1A classification.

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). While we conduct de novo review on appeal, *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that a remand is warranted in this case because SCOPS' decision is insufficient for review. We will therefore withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

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).

If an L-1A petition involves a "new office," [1] the petitioner must submit evidence to demonstrate that the beneficiary's one year of employment abroad was in a managerial or executive capacity, and that the new office will be able to support a managerial or executive position within one year of approval. 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* 8 C.F.R. § 214.2(l)(3)(v).

As noted, SCOPS concluded that the Petitioner did not meet its burden with respect to five separate eligibility requirements applicable to L-1A new office petitions. SCOPS observed that the Petitioner's timely response to its RFE did not include any additional documentation pertaining to those requirements and therefore was not sufficient to demonstrate eligibility.

The record supports the Petitioner's contention that SCOPS overlooked or otherwise failed to address the evidence submitted in response to the RFE. Review of the Petitioner's response indicates that it addressed each issue raised, either through the submission of new supporting letters from the U.S. or foreign entity or by providing other supplemental documentation. While such evidence may ultimately be insufficient to demonstrate eligibility, SCOPS' determination that the Petitioner's submission was wholly unresponsive to the issues raised in the RFE was in error.

As a result, SCOPS' decision did not adequately explain why the evidence submitted was insufficient to demonstrate eligibility, and the Petitioner did not have a meaningful opportunity to challenge the merits of SCOPS' determination on appeal. *See* 8 C.F.R. § 103.3(a)(1)(i),(iii) (providing that an officer's written decision must explain the specific reasons for denial and notify the affected party of appeal rights); *cf. Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that the reasons for denying a motion must be clear to allow the affected party a meaningful opportunity to challenge the determination on appeal).

SCOPS is the appropriate party to consider the evidence submitted with the RFE response in the first instance and to make the initial eligibility determination based on the totality of the evidence in the record. Therefore, we will remand this matter to SCOPS. On remand, SCOPS should review all evidence submitted to date, including the Petitioner's RFE response and evidence and arguments on appeal, and issue a new decision that complies with 8 C.F.R. § 103.3(a)(1)(i).

In its adjudication, SCOPS may also reconsider whether the Petitioner established that it meets the definition of a "new office" at 8 C.F.R. § 214.2(l)(1)(ii)(F). The Petitioner characterized its filing as

[1] The term "new office" refers to an organization which has been doing business in the United States for less than one year. *See* 8 C.F.R. § 214.2(l)(1)(ii)(F).

a "new office" petition because its affiliate relationship with the Beneficiary's foreign employer was established less than one year prior to the date of filing and because the Beneficiary will be responsible for overseeing the establishment of a new line of business. However, the record, including evidence provided in response to the RFE that SCOPS has not yet reviewed, indicates that the Petitioner was established in 2010 and had been doing business as a consulting and property management services business for well over one year.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.