U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41240894

Date: MAR. 19, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, which seeks to distribute hair care products manufactured by its affiliate in Saudi Arabia, seeks to temporarily employ the Beneficiary as director of operations (DO) of its new office under the L-1A nonimmigrant classification for intracompany transferees. *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, concluding that the record did not establish that: (1) the foreign affiliate continuously employed the Beneficiary outside the United States for at least one year during the three years preceding the filing of the petition; (2) the foreign entity employed the Beneficiary in an executive capacity; (3) the new office has secured sufficient physical premises; and (4) the new office would be able to support an executive capacity within one year.

The matter is now before us on appeal under 8 C.F.R. § 103.3.

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.

I. LAW

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). To establish eligibility for the L-1A nonimmigrant visa classification in a petition involving a new office, a qualifying organization must have employed the beneficiary in a managerial or executive capacity for one continuous year within three years preceding the filing of the petition. 8 C.F.R. § 214.2(l)(3)(v)(B). In addition, 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* 8 C.F.R. § 214.2(l)(3)(v)(A) and (C).

II. ANALYSIS

A petitioner must submit evidence that the beneficiary has at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition. 8 C.F.R. § 214.2(l)(3)(iii). Brief trips to the United States for business or pleasure shall not interrupt the one year of continuous employment abroad but such periods shall not be counted toward fulfillment of that requirement. 8 C.F.R. § 214.2(l)(1)(ii)(A).

SCOPS concluded that the Petitioner had not submitted sufficient evidence to establish the Beneficiary's continuous employment abroad. We agree.

The Petitioner filed the Form I-129 petition on June 27, 2025. Section 1, line 5 of the L Classification Supplement to Form I-129 instructed the Petitioner to list the Beneficiary's dates of employment with the Petitioner's affiliate abroad. The Petitioner stated that its foreign affiliate had employed the Beneficiary as its DO since November 1, 2024. Also on the petition form, the Petitioner stated that the Beneficiary entered the United States on January 1, 2025, and was still in the United States at the time of filing.

Other documents, however, show other dates for when the foreign affiliate first employed the Beneficiary. The Petitioner's business plan and the Beneficiary's résumé both indicate that the Beneficiary's qualifying employment began in 2021. A letter of appointment, signed by the Beneficiary's spouse, who is the chief executive officer (CEO) of both the petitioning company and its foreign affiliate, states that the Beneficiary's "appointment as Director of Operations . . . [was] effective August 2018." This letter is dated November 1, 2024, and therefore it is not a contemporaneous record of the Beneficiary's hiring in August 2018.

Several materials in the record, including the Beneficiary's own résumé, also indicate that the Beneficiary has served as the founder and CEO of a chain of coffee shops and bakeries since 2018. This parallel employment is potentially significant because the Beneficiary's qualifying employment abroad with the Petitioner's foreign affiliate must have been full-time. *See* 8 C.F.R. § 214.2(l)(3)(iii).

The November 2024 letter of appointment refers to the Beneficiary's position as full-time, but it does not account for the Beneficiary's claimed simultaneous employment as CEO of another business. The Petitioner did not submit contemporaneous evidence to establish that the foreign affiliate consistently employed the Beneficiary full-time. All the documents relating to the Beneficiary's employment abroad are either undated or they show dates in or after late 2024.

In a request for evidence (RFE), SCOPS advised the Petitioner that the record contained conflicting dates for the Beneficiary's employment abroad. SCOPS requested copies of the Beneficiary's payroll or personnel records, or "other evidence demonstrating one continuous year of full-time employment."

In response, the Petitioner stated that the November 2024 starting date shown on Form I-129 was "a clerical error. . . . The correct employment start date is August 2018." The Petitioner stated that

"comprehensive payroll records from April 2023 through April 2024 . . . substantiate continuous, full-time executive employment during this timeframe."

The Petitioner submitted an undated letter from the foreign entity's CEO, stating that the Beneficiary "served as a full-time Director of Operations . . . throughout the years 2023 and 2024." The Petitioner also submitted a one-page document with the heading "Payroll Record (April 2023 – April 2024)," indicating that the foreign entity paid the Beneficiary 25,000 SAR "Monthly via Bank Transfer."

SCOPS denied the petition, concluding that the claimed payroll materials do not meet the Petitioner's burden of proof because they lack corroboration.

On appeal, the Petitioner asserts that it complied with the RFE, and that SCOPS "shift[ed] the goalposts" with its "subsequent criticism that no bank statements were submitted to corroborate the monthly transfers."

SCOPS, however, did not conclude that "no bank statements were submitted." In the RFE, SCOPS acknowledged the Petitioner's prior submission of bank statements. Rather, SCOPS concluded that the record does not support the Petitioner's assertions.

On appeal, the Petitioner asserts that it had submitted a "detailed payroll ledger" in response to the RFE. But that document, the aforementioned "Payroll Record (April 2023 – April 2024)," does not provide the exact date of any of the claimed salary payments, stating only that each payment was made between the "24th-29th of the Month." Also, the document makes a general reference to "Bank Transfer[s]," but it does not provide details of any individual transactions.

The Petitioner's initial submission had included a bank account statement from the foreign affiliate. This 433-page bank document lists thousands of transactions between January 2020 and December 2024, including a number of substantial payments to the Beneficiary in 2020. But it does not show monthly 25,000 SAR payments to the Beneficiary during the relevant three-year period, and it does not show that the account held a sufficient balance to cover such payments at that time.

The Petitioner's response to the RFE included a balance sheet claiming that the foreign affiliate had 51,115.13 SAR in cash "[a]s of December 12, 2024." The balance sheet does not show who prepared that document, when they prepared it, or what primary sources they consulted for the figures claimed. The previously submitted bank account statement showed a balance of 5,115.13 SAR, rather than 51,115.13 SAR, on December 12, 2024.

The burden is on the Petitioner to resolve the inconsistencies 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). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the petition. *Id.*

Because the Petitioner's evidence contains a number of discrepancies, the undated "Payroll Record" lacks sufficient weight to establish the Beneficiary's continuous employment with the foreign affiliate.

The Petitioner has claimed three different dates when the foreign entity purportedly hired the Beneficiary. The foreign entity's most detailed financial document in the record, the 2020-2024 bank account statement, does not corroborate the Beneficiary's claimed salary payments in 2023 and 2024. Other documents submitted to support the Petitioner's claims contain considerably less detail, do not identify the sources of the information shown, and are not consistent with other materials in the record. We therefore agree with SCOPS that the Petitioner has not established by a preponderance of the evidence that the foreign entity continuously employed the Beneficiary outside the United States for at least a year during the relevant period.

The above discussion is sufficient to warrant dismissal of the appeal. But we also note SCOPS' observation that the Beneficiary traveled to the United States on several occasions during the relevant three-year period, including a 327-day visit from November 10, 2023, to October 1, 2024.

On appeal, the Petitioner does not dispute the Beneficiary's time spent in the United States, but the Petitioner asserts that "this time is merely subtracted from the total, not used to interrupt the continuity of [the Beneficiary's] foreign employment." The Petitioner asserts that, not counting his time in the United States, the Beneficiary still accrued "500 days of qualifying full-time employment abroad" during the three years preceding the petition's filing date.

But, while *brief* trips to the United States for business or pleasure do not interrupt the continuity of employment abroad, the Petitioner has not explained how the Beneficiary's nearly 11-month stay in the United States from November 2023 to October 2024 would qualify as a non-interruptive "brief visit." Also, this visit to the United States overlaps significantly with the period from April 2023 to April 2024 that the Petitioner specifically emphasized in response to the RFE.

We have already addressed deficiencies in the claimed payroll records for April 2023-April 2024. The Petitioner has not submitted even this level of evidence for 2022 and early 2023. The comparative lack of potentially interruptive travel during that period does not affirmatively demonstrate that the foreign entity employed the Beneficiary full-time, and does not meet the Petitioner's burden of proof.

The above issue determines the outcome of the Petitioner's appeal. Because the Petitioner has not otherwise established eligibility for the classification sought, we need not reach, and therefore reserve, the remaining grounds concerning the nature of the Beneficiary's duties abroad, the new office's physical premises, and the new office's ability to support an executive position within one year. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

We will dismiss the appeal, because the Petitioner has not met its burden of proof to show that its foreign affiliate continuously employed the Beneficiary full-time for at least one year during the three years preceding the petition's filing date.

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.