U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 12261401

Date: MAR. 24, 2021

Appeal of California Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (L-1A)

The Petitioner, an information technology infrastructure product and service provider, seeks to temporarily employ the Beneficiary as the "general manager" of its new office under the L-1A nonimmigrant classification for intracompany transferees. 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.

The Director of the California Service Center denied the petition, concluding that the record did not establish the Petitioner's qualifying relationship with the Beneficiary's foreign employer. The matter is now before us on appeal. The Petitioner bears the burden of proof to establish eligibility for the requested benefit by a preponderance of the evidence.[1] We review the questions in this matter *de novo*.[2]

Upon *de novo* review, we conclude that the record is sufficient to establish that the Beneficiary's foreign employer, more likely than not, is the sole member of the Petitioner, a limited liability company. The record includes evidence of the foreign entity, its address, percentage of ownership in the Petitioner (100 percent), as well as, evidence of the contributions made by the foreign entity to the Petitioner. The Petitioner also submitted additional evidence on appeal confirming it is owned and controlled by a sole member. As the foreign entity owns 100 percent of the Petitioner, we are able to determine the elements of ownership and control from the evidence in the record and conclude that a qualifying relationship exists.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has met that burden.

ORDER: The appeal is sustained.

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[1] *See* Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).
[2] *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).