U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40139669

Date: OCT. 30, 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).

Following a revocation of the petition by Service Center Operations (SCOPS), we summarily dismissed the Petitioner's appeal, and the Petitioner filed a motion to reopen causing us to withdraw our summary dismissal based on the determination that the Petitioner had submitted a timely brief in support of the appeal. We then issued a new decision in which we considered the record in its entirety and determined that the Petitioner did not establish that the Beneficiary was employed abroad by [redacted] Ltd. ([redacted]), the foreign entity with whom the Petitioner claims to have a qualifying relationship. Accordingly, we dismissed the motion and reserved the Petitioner's arguments regarding the remaining issues, noting that the identified basis for the revocation was dispositive of the motion. The matter is now before us on a combined motion to reopen and reconsider.

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). Upon review, we will dismiss the motion.

First, we will address the Petitioner's 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).

[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).

On motion, the Petitioner submits cryptocurrency compensation records and chat records with certified translations. The Petitioner asserts that these submissions support the Beneficiary's claimed employment at [redacted] thereby establishing the Petitioner's eligibility. We disagree.

Regarding the cryptocurrency record, the Petitioner provided a deposit ledger showing deposits made between May and December 2021. However, the ledger contains no information as to the owner of the account into which the currency was deposited. The Petitioner also provided a brief string of online chat communications between the Beneficiary and one other individual on October 21 and 22, 2021. The chat dated October 21 shows the phrase "screen shot" and twice shows the phrase "omitted – irrelevant" and the chat dated October 22 contains the heading "confirmation pending" and lists "-3 ETH" as the amount. Five other fields – "Miner's fee"; "Recipient address"; "Payer address"; "Transaction number"; and "For checking details" – were also listed but were left blank and the chat contained no further dialogue, thereby offering no meaningful context for interpreting this interaction.

Because of the above-noted deficiencies, neither the deposit record nor the translated chat serves as evidence that [redacted] compensated the Beneficiary for his services through cryptocurrency as the Petitioner claims. Moreover, this claim is inconsistent with the Petitioner's NOIR response, where the Petitioner stated that the Beneficiary was given a "stake of the company share" in exchange for his claimed role as [redacted] COO. The Petitioner must resolve this inconsistency 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 Petitioner offered additional chat records which it claims serve as evidence of "the Beneficiary's active role in business management consistent with executive employment." However, one of the chat communications contains a date anomaly that leads us to question the authenticity of the record and whether the chat took place at all. Namely, the portion of the chat labeled "Discussion between the beneficiary and the co-founder of the Foreign Company" contains conflicting dates. While the left side of the document containing the English translation is dated July 21, 2022, the corresponding Chinese version on the right side of the document is dated July 21, 2020. Not only are these dates inconsistent with one another, the date on the side containing the Chinese language version indicates that the chat took place months before the foreign entity was even formed. This discrepancy further detracts from the credibility of the Petitioner's claim. It is noted that unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.; see also Matter of O-M-O-*, 28 I&N Dec. 191, 197 (BIA 2021) ("by submitting fabricated evidence, the appellant compromised the integrity of his entire claim").

For the reasons discussed above, the Petitioner has not established new facts that would warrant reopening of this proceeding.

Next, we will address the Petitioner's motion to reconsider. A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). 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.

On motion, the Petitioner contests the correctness of our prior decision, arguing first that SCOPS erroneously issued a notice of automatic revocation which "tainted subsequent adjudications." The record does not support the Petitioner's assertion. In fact, the record shows that SCOPS issued a notice of intent to revoke (NOIR) followed by a notice of revocation and cited 8 C.F.R. § 214.2(l)(9)(iii), which pertains to revocations on notice, as the basis for the revocation. Contrary to the Petitioner's assertion, SCOPS did not cite 8 C.F.R. § 214.2(l)(9)(ii), which pertains to automatic revocations, either in the NOIR or in the notice of revocation. Nor is does the record indicate that an automatic revocation was issued, as the Petitioner claims.

The Petitioner also argues that there is no contradiction in the Beneficiary's employment history and that a "mistaken filing" of a separate petition on the Beneficiary's behalf is not part of the record and "should not be used to infer ineligibility absent material contradiction." We disagree with the Petitioner's assertions.

First, in determining a beneficiary's eligibility, SCOPS is not precluded from considering documents that are outside the record to so long as proper steps are taken to inform a petitioner of such documents and allows time for rebutting any adverse evidence prior to issuing a decision. 8 C.F.R. § 103.2(b)(16)(i). In fact, the regulations state that when issuing a revocation on notice, SCOPS must issue a NOIR which "shall contain a detailed statement of the grounds for the revocation petition." 8 C.F.R. § 214.2(l)(9)(iii)(B). Here, the record shows that SCOPS complied with these requirements. Second, an inconsistency concerning the Beneficiary's employment abroad is not immaterial in this matter where foreign employment is a critical factor in demonstrating eligibility. *See* 8 C.F.R. § 214.2(l)(i).

Further, the Petitioner claims that "[m]ultiple USCIS memoranda and AAO decisions acknowledge that [prior] counsel's mistakes should not be imputed to the Petitioner where the factual basis for eligibility remains sound." However, the Petitioner does not specify any USCIS memoranda and/or AAO decisions that support its arguments.

The Petitioner also argues that "there is no statutory or regulatory requirement that compensation must originate directly from the Petitioner or its affiliate's shares." While this may be true, the Petitioner must nevertheless show that the Beneficiary was employed abroad by a qualifying organization. *See id.* The Petitioner cannot meet this burden without providing relevant, probative, and credible evidence in support of its claims. *See Matter of Chawathe*, 25 I&N Dec. at 376. Here, the Petitioner has made various competing claims about the source of the Beneficiary's compensation in exchange for his alleged employment with [redacted] On the one hand, the Petitioner claims that the Beneficiary was compensated with shares "given in exchange for managerial services," while on the other hand claiming that the Beneficiary's compensation was in the form of cryptocurrency. The Petitioner has neither resolved this inconsistency nor has it provided sufficient evidence to support either of these competing claims. *See id.*; *see also Matter of Ho*, 19 I&N Dec. at 591-92.

Lastly, while the Petitioner blames "clerical error" as the reason it listed "01/01/2020" as the Beneficiary's employment start date, the discussion above indicates that several other evidentiary deficiencies contributed to the adverse conclusion regarding the Beneficiary's employment abroad.

Thus, even if the Petitioner's assertion about the Beneficiary's start date was true, the various other deficiencies, which the Petitioner has not overcome, preclude a favorable outcome.

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established eligibility. On motion to reconsider, the Petitioner has not established that our previous decision was based on an incorrect application of law or policy at the time we issued our decision. Therefore, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

NOTICE: 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.