U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF M-I-, LLC

DATE: SEPT. 27, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, describing itself as a holding company investing in and managing various businesses, seeks to continue the Beneficiary's employment as its chief executive officer under the L-1A nonimmigrant classification for intracompany transferees.[1] *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.

The Director of the California Service Center denied the petition concluding that the Petitioner did not establish, as required, that the Beneficiary was employed in a managerial or executive capacity in his former capacity abroad. In addition, the Director determined that the Petitioner did not demonstrate that the Beneficiary would be employed in a managerial or executive capacity under an extended petition.[2]

On appeal, the Petitioner contends that since the Beneficiary's foreign employment was reviewed by USCIS and approved under a new office petition, it should have not then been denied on this basis as part of a new office extension. The Petitioner also states that the Director overemphasized the fact that the foreign employer was a retail store and smaller in size, and asserts that the Beneficiary qualified as an executive abroad. With respect to the Beneficiary's proposed U.S. employment, the Petitioner contends that the Beneficiary's duties are not primarily service oriented as determined by the Director and it asserts that the Director did not sufficiently consider the executive level duties in the Beneficiary's duty description.

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[1] The Petitioner previously filed a "new office" petition on the Beneficiary's behalf which was approved for the period from April 14, 2017, to April 13, 2018. A "new office" is an organization that has been doing business in the United States through a parent, branch, affiliate, or subsidiary for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a "new office" operation one year within the date of approval of the petition to support an executive or managerial position.

[2] The Director also indicated that a qualifying relationship between the Petitioner and the Beneficiary's former foreign employer "may not exist." The Director noted that although they were not denying the petition on this ground that United States Citizenship Immigration Service (USCIS) "retains the right to revisit the qualifying relationship issue in the future, if the need arises." As the Director did not make a definitive conclusion as to whether a qualifying relationship was established between the Petitioner and the foreign employer and it was not set forth as a specific basis for denial, we will not address this issue in our decision.

Upon *de novo* review, we will dismiss the appeal.

I. LEGAL FRAMEWORK

To establish eligibility for the L-1A nonimmigrant visa classification, a qualifying organization must have employed the beneficiary in a managerial or executive capacity 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)(3)(v)(B). 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. *Id.*

A petitioner seeking to extend an L-1A petition that involved a new office must submit a statement of the beneficiary's duties during the previous year and under the extended petition; a statement describing the staffing of the new operation and evidence of the numbers and types of positions held; evidence of its financial status; evidence that it has been doing business for the previous year; and evidence that it maintains a qualifying relationship with the beneficiary's foreign employer. 8 C.F.R. § 214.2(l)(14)(ii).

II. MANAGERIAL OR EXECUTIVE CAPACITY WITH THE FOREIGN EMPLOYER

We will first analyze whether the Petitioner established that the Beneficiary was employed abroad in a managerial or executive capacity prior to his entry into the United States as a nonimmigrant. The Petitioner does not claim that the Beneficiary was employed abroad in a managerial capacity. Therefore, we restrict our analysis to whether the Beneficiary was employed abroad in an executive capacity.

As a preliminary matter, the Petitioner contends that the Director was required to give deference to USCIS' prior approval of the new office petition; namely, the apparent acceptance of the Beneficiary's foreign employment in an executive capacity when approving that petition. The Petitioner cites *Omni Packaging, Inc. v. INS*, 733 F. Supp. 500 (D.C.P.R. 1990) and asserts that the Director was required to discuss why the previous petition was approved and then indicate why the current petition was denied on the same facts. However, the court in *Omni Packaging* revisited this issue and later determined that the former Immigration and Naturalization Service was not estopped from concluding that a beneficiary did not qualify as an immigrant manager or executive after having previously determined that the beneficiary was manager or executive for purposes of issuing an L-1 visa. *Omni Packaging, Inc. v. INS*, 930 F. Supp. 28 (D.C.P.R. 1996).

Further, the Director's decision does not indicate whether they reviewed the prior approval of the Petitioner's new office petition and the evidence in that record related to the Beneficiary's foreign employment. We are not required to approve applications or petitions where eligibility has not been demonstrated, merely because of prior approvals that may have been erroneous. *Matter of Church Scientology Int'l*, 19 I&N Dec. 593, 597 (Comm'r 1988). In addition, USCIS has clarified that "an adjudicator's fact-finding authority . . . should not be constrained by any prior petition approval, but instead should be based on the merits of each case." USCIS Policy Memorandum, PM-602-0151,

Rescission of Guidance Regarding Deference to Prior Determinations of Eligibility in the Adjudication of Petitions for Extension of Nonimmigrant Status (Oct. 23, 2017), https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2017/2017-10-23Rescission-of-Deference-PM6020151.pdf. The memorandum also emphasized that "the burden of proof remains on the petitioner, even where an extension of nonimmigrant status is sought." *Id.* Therefore, we will analyze the current record to determine whether the Petitioner has submitted sufficient evidence to establish that the Beneficiary acted in an executive capacity in his former capacity abroad.

The statute defines an "executive capacity" as an assignment within an organization in which the employee primarily directs the management of the organization or a major component or function of the organization; establishes the goals and policies of the organization, component, or function; exercises wide latitude in discretionary decision-making; and receives only general supervision or direction from higher-level executives, the board of directors, or stockholders of the organization. Section 101(a)(44)(B) of the Act.

When examining the foreign executive capacity of a given beneficiary, we will review the petitioner's description of the foreign job duties. The petitioner's description of the foreign job duties must clearly describe the duties to be performed by the beneficiary and indicate whether such duties are in an executive capacity. *See* 8 C.F.R. § 214.2(l)(3)(ii). Beyond the required description of the job duties, we examine the foreign employer's organizational structure, the duties of a beneficiary's foreign subordinates, the presence of foreign employees to relieve a beneficiary from performing operational duties, the nature of the foreign business, and any other factors that will contribute to understanding a beneficiary's actual duties and role abroad. Accordingly, we will discuss evidence regarding the Beneficiary's foreign job duties along with evidence of the nature of the foreign employer's business, its staffing levels, and its organizational structure.

A. Duties

Based on the definition of executive capacity, the Petitioner must first show that the Beneficiary performs certain high-level responsibilities. *Champion World, Inc. v. INS*, 940 F.2d 1533 (9th Cir. 1991) (unpublished table decision). Second, the Petitioner must prove that the Beneficiary is *primarily* engaged in executive duties, as opposed to ordinary operational activities alongside the foreign employer's other employees. *See Family Inc. v. USCIS*, 469 F.3d 1313, 1316 (9th Cir. 2006); *Champion World*, 940 F.2d 1533.

The Beneficiary's foreign employer indicated that it was established by him and a 50% partner in 1998 and that it is "one of Venezuela's most successful importers and retailers of electronics and home appliances." It stated that it sold items such as audio and visual equipment, televisions, DVD players, sounds systems, and a wide range of household appliances. The foreign employer stated that the Beneficiary worked as its president since its inception up until his entry into the United States on an L-1A new office petition to work for the Petitioner in April 2017.

The foreign employer provided a lengthy duty description for the Beneficiary including some of the following duties for him abroad, amongst others:

- Directed the financial operations of the company, including creating a company-wide budget, determining how much the foreign employer would spend in acquiring new inventory including televisions, sounds systems, video playback systems and washers, dryers, and other home appliances,
- Created, implemented and revised the company-wide 18 month budget,
- Detailed money spent by the company to maintain operational status,
- Estimated when the foreign employer would acquire the latest electronics and appliances, for how much, and how long these items would remain in our possession before final sale,
- Ensured that the foreign employer had enough money to purchase excess stock and determining how much cash reserves to keep on hand for these increased expenditures,
- Reviewed the budget variance report of the financial manager and accounted for any surpluses or shortages,
- Revised the budget to remove additional purchases of certain electronics if not sold within two weeks,
- Allocated cash flow to other priorities when not used for excess products, such as marketing to ensure that more people were aware of the upcoming increase in inventory,
- Crafted and revised financial policies and procedures such as pricing procedures and lists, financing options, down payments, documentation and income required for financing, how to accept payment from customers, and how to invoice customers,
- Made decisions on how to decrease the company's tax consequences,
- Reviewed ways to purchase additional operational supplies, such as new point of sale systems, increase expenditures, and reinvest in the business and its people,
- Ensured that all policies and regulations were being followed,
- Disposed and transferred property belonging to the company, including warehouses, land, or inventory,
- Entered into agreements as well as assigned, rescinded or extended them on behalf of the company,
- Issued any checks, promissory notes, or other negotiable instruments and entered into them banking systems or loans of credit,
- Acted as the company's representative in any lawsuits or procedures before the courts, and
- Oversaw staff, hiring and firing, set forth how to advertise positions and conduct interviews, and created a salary scale for employees.

The Petitioner provided a foreign duty description for the Beneficiary including tasks that indicate his performance of non-qualifying operational duties rather than executive level duties within a complex organizational hierarchy. For instance, the Beneficiary's duty description reflected that he was tasked with regularly assessing the inventory of the foreign employer's retail location selling electronics and appliances and determining how long these items should remain in its inventory, including purchasing excess stock during more busy times of year. Similarly, the duties indicated that the Beneficiary was

engaged in a number of other day-to-day operational matters alongside the stores other employees, including determining which customers would receive financing, how much of a down payment was required on appliances, and what documentation was required to grant financing. Further, the Petitioner stated that the Beneficiary was involved in issuing *any* checks, promissory notes, or other negotiable instruments and entering them into banking systems. These duties reflect that the Beneficiary was more likely engaged in non-qualifying duties managing the foreign employer's retail appliance location, rather than setting policies and goals from an executive position within a complex organizational hierarchy.

Whether the Beneficiary is a managerial or executive employee turns on whether the Petitioner has sustained its burden of proving that their duties are "primarily" executive. *See* sections 101(a)(44)(B) of the Act. Here, the Petitioner lists duties reflecting the Beneficiary's involvement in non-qualifying tasks, but does not sufficiently document what proportion of the Beneficiary's duties would be executive functions and what proportion would be non-qualifying. For this reason, we cannot determine whether the Beneficiary is primarily performing the duties of an executive. *See IKEA US, Inc. v. U.S. Dept. of Justice*, 48 F. Supp. 2d 22, 24 (D.D.C. 1999).

In contrast, with respect to the Beneficiary's claimed qualifying tasks, the Petitioner did not submit sufficient detail and documentation to substantiate his executive level tasks. The Petitioner provided insufficient examples and little supporting documentation to demonstrate the Beneficiary's performance of qualifying duties abroad, such as specific financial decisions he made, pricing policies he put in place, "18-month budgets" he set, or marketing campaigns he planned and ordered. Likewise, the Petitioner did not adequately detail or document financing or invoicing policies he established, agreements he entered into or assigned, rescinded or extended, vendors he negotiated with, strategies he implemented to reduce tax consequences, property he acquired or disposed of, or lawsuits he represented the company in. This lack of detail and documentation is particularly notable as the Petitioner asserts that the Beneficiary acted as the president of the foreign employer from 1998 to April 2017.

The Petitioner has not submitted a sufficiently detailed duty description that describes the Beneficiary's day-to-day executive level duties abroad or which credibly establishes that he devoted his time primarily to qualifying tasks. Specifics are clearly an important indication of whether a beneficiary's duties are primarily executive in nature, otherwise meeting the definitions would simply be a matter of reiterating the regulations. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d. Cir. 1990).

Even though the Beneficiary holds a senior position within the foreign employer, the fact that he manages or directs the business does not necessarily establish eligibility for classification as an intracompany transferee in an executive capacity within the meaning of section 101(a)(44)(B) of the Act. By statute, eligibility for this classification requires that the duties of a foreign position be "primarily" executive in nature. *Id.* The Beneficiary may exercise discretion over the foreign employer's day-to-day operations and possess the requisite level of authority with respect to discretionary decision-making; however, the position descriptions alone are insufficient to establish that his actual duties abroad are primarily executive in nature.

B. Staffing

If staffing levels are used as a factor in determining whether an individual is acting in an executive capacity, the reasonable needs of the organization are taken into account in light of the overall purpose and stage of development of the organization. *See* section 101(a)(44)(C) of the Act.

The Petitioner submitted a foreign organizational chart indicating that the Beneficiary oversaw a department of operations and a vice president. The department of operations was shown to consist of an operations manager supervising two sales representatives, "security," and "logistics." Meanwhile, the chart reflected that the vice president oversaw an administration department, "third party marketing providers," and a financial manager. The chart further indicated that the administration department was made up of an administration manager supervising an administrative assistant and the financial manager was shown to oversee a tax analyst and an accounting assistant.

As noted, the Petitioner asserts that the Beneficiary qualified as an executive abroad. The statutory definition of the term "executive capacity" focuses on a person's elevated position within a complex organizational hierarchy, including major components or functions of the organization, and that person's authority to direct the organization. Section 101(a)(44)(B) of the Act. Under the statute, a beneficiary must have the ability to "direct the management" and "establish the goals and policies" of that organization. Inherent to the definition, the beneficiary must primarily focus on the broad goals and policies of the organization rather than the day-to-day operations of the enterprise. An individual will not be deemed an executive under the statute simply because they have an executive title or because they "direct" the enterprise as the owner or sole managerial employee. A beneficiary must also exercise "wide latitude in discretionary decision making" and receive only "general supervision or direction from higher level executives, the board of directors, or stockholders of the organization." *Id.*

The supporting foreign employer documentation provided by the Petitioner leaves question as to whether the Beneficiary acted in an elevated position within a complex organizational hierarchy as reflected in the submitted foreign organizational chart. For instance, despite listing several positions within the foreign employer organizational chart, the Petitioner identified only six employees by name. The Petitioner also indicated that several of the members of its organizational chart were "independent contractors," including the financial manager and the subordinate tax analyst and accounting assistant, the unidentified "third party marketing providers," its sales representatives, its logistics staff, "the receivers and shippers," and "security." However, the Petitioner submitted no supporting evidence to substantiate the engagement of these independent contractors or to demonstrate that they could be considered part of the foreign employer's organizational structure. In fact, of these independent contractors, only the financial manager was identified by name. Therefore, the Petitioner did not submit supporting evidence to substantiate most of the foreign employer's claimed organizational chart.

In addition, the Petitioner provided foreign payroll documentation from November 2017, or approximately eight months after the Beneficiary's entry into the United States as a nonimmigrant, reflecting that it only employed four individuals, including one of the claimed sales representatives,

the operations manager (also questionably referred to as the sales manager on the record), the administration manager, and the administrative assistant. This payroll documentation indicated that the administrative assistant earned more than the claimed operations and administration manager and that the sales representative was paid more than the asserted administration manager. Likewise, the Petitioner submitted a payroll listing recorded with the "Registry of Financial Information" in Venezuela in May 2015 which again reflected that the foreign employer had only four employees, including the same four employees reflected in its payroll documentation from November 2017. However, in this document the operations/sales manager, administrative assistant, and administration manager were simply listed as secretaries, while the sales representative was shown as a "seller."

In contrast, a similar filing dated in August 2014 showed four "sellers" and a manager, suggesting that if the claimed administration manager and operations managers acted in their asserted supervisory roles they would have been listed as managers in the aforementioned registry. Beyond this conflicting documentation, the Petitioner submits no supporting documentation to demonstrate the Beneficiary's claimed subordinates acting in their roles or reflecting him delegating duties to subordinate managers within a complex organizational hierarchy. The Petitioner must resolve inconsistencies and 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 Petitioner also provided vague duty descriptions for the Beneficiary's claimed subordinates. For example, the foreign employer indicated in a support letter that the administrative manager was tasked with "handling all human resources matters," "addressing employee complaints," handling payroll, and following "all employee manuals and procedures set by [the Beneficiary]." However, the Petitioner has not provided credible details to substantiate this asserted manager's role, such as the human resource matters and complaints they handled nor there evidence of the claimed employee manuals and procedures set by the Beneficiary.

Likewise, the Petitioner states that the operations manager was responsible for implementing "all policies and procedures set by [the Beneficiary] for the Department" and the Beneficiary's "training programs so that Sales Representatives were informed of all the products that the company offered." However again, there is no explanation or documentation to corroborate these asserted policies, procedures, and training programs passed down by the Beneficiary. Beyond this, the foreign employer indicated that the operations manager was responsible for opening and closing the store each day, ensuring that the alarm system was secure and the merchandise was protected, procuring the company's inventory, and negotiating prices and amounts with suppliers. First, the operations manager's duties in closing and opening the store and securing inventory leave question as to whether she indeed acted in her claimed role as a supervisor.

Further, the Beneficiary's duties indicated that he had significant responsibility for monitoring and acquiring inventory and negotiating with vendors and suppliers, leaving uncertainty as to whether the foreign employer would require another manager devoted to these tasks, particularly given its apparent limited staffing to support the store's day-to-day operation. The Petitioner only provided evidence indicating that it employed one "sale representative" or "seller," presumably an employee that would act as a clerk in the appliance store and provide services to customers. Given this, it appears more

likely that the claimed operations manager was acting in this role, rather than as a manager subordinate to the Beneficiary as claimed.

Furthermore, the Petitioner did not properly substantiate that the foreign employer's operations were sufficient to support the Beneficiary an executive capacity and the asserted multi-layered organizational structure. For instance, in a support letter, the foreign employer stated that it "is one of Venezuela's most successful importers and retailers of electronics and home appliances"; however, it submitted little supporting documentation to substantiate this claim. Indeed, in this same support letter the foreign employer refers to finances from 2013, despite the Beneficiary working for the foreign employer until April 2017 and this petition being filed in April 2018. The Petitioner provided numerous foreign employer transactional documents, but only a few were translated. We note that any document in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.2(b)(3). To the limited extent these documents were translated they reflected the buying and selling of mattresses, not electronics and appliances. The Petitioner also submitted photographs of only one retail location, operations not reflective of its assertion that it was a leading appliance retailer in Venezuela, nor does this one store front indicate, without further supporting evidence, that it would require the complex organizational structure it asserted.

In conclusion, the Petitioner provided a foreign duty description for the Beneficiary indicating his direct involvement in the operations of the inventory and billing of one retail appliance location in Venezuela. In contrast, there is little detail and supporting documentation to substantiate the Beneficiary's primary involvement in qualifying executive level tasks since 1998; or as required, the three years prior to the date of his entry into the United States. For instance, the record does not include any evidence of the Beneficiary delegating duties to his claimed subordinates. In addition, the foreign employer claimed to have a complex organizational hierarchy; however, the evidence revealed that the majority of these claimed employees were independent contractors whose engagement and roles within this structure were not sufficiently substantiated. In fact, as we have noted, the supporting documentation reflected that the foreign employer only had four employees beyond the Beneficiary. In sum, the evidence indicates that it is more likely than not that the Beneficiary acted only as a first line supervisor and manager of a retail electronics and appliance location and not as an executive in an elevated position within a complex organizational hierarchy.

For the foregoing reasons, the Petitioner has not established that the Beneficiary was employed in an executive capacity abroad.

III. U.S. EMPLOYMENT IN A MANAGERIAL CAPACITY

As we have discussed, the Director also denied the petition concluding that the Petitioner did not establish that the Beneficiary would be employed in an executive capacity in the United States.[3] Because of the dispositive effect of the above finding of ineligibility; namely, our affirmation of the Director's conclusion that the Petitioner did not establish that the Beneficiary acted in an executive

[3] Similar to the Beneficiary's asserted foreign employment, the Petitioner claimed that the Beneficiary would be employed in an executive capacity and not as a manager consistent with the regulations. Therefore, we will only briefly analyze whether the Beneficiary would qualify as an executive under an extended petition.

capacity in his former capacity abroad, we will only briefly address the remaining issue addressed by the Director.

In denying the petition on these grounds, the Director determined that the Beneficiary's duties reflected that he was more likely engaged in non-qualifying duties related to the provision of services as an owner and operator of the Petitioner's businesses rather than performing qualifying executive-level duties. Further, the Director indicated that the duties of the Beneficiary's claimed subordinate managers did not demonstrate that they acted in their asserted roles. The Director also determined that the Petitioner had presented its organizational structure as more complex, when in reality, it consisted of only two to three full-time employees.

Upon review, the provided evidence does not sufficiently demonstrate that the Beneficiary would act in an executive capacity in the United States under an extended petition.

The Petitioner indicated that it was a holding company controlling two wholly owned subsidiaries in the United States one operating a [redacted] franchise specializing in selling, producing, and installing visual communications and another running a franchised spa location providing "beauty treatment services…such as skin treatments through [redacted] technology."

Again, although the Petitioner submitted a lengthy U.S. duty description for the Beneficiary, the stated duties were vague and the record lacked supporting documentation to substantiate that he would be primarily engaged in qualifying tasks. Once again, specifics are clearly an important indication of whether a beneficiary's duties are primarily executive in nature, otherwise meeting the definitions would simply be a matter of reiterating the regulations. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. at 1103, 1108.

For instance, the Petitioner did not sufficiently detail and document the executive level policies and procedures the Beneficiary established or would establish. The Petitioner listed various policies the Beneficiary would set, such as how employees should greet customers, how they would work with customers on marketing materials, signs, and business cards, how to perform proper data entry of customer contact information at the spa, how to determine when treatment is necessary at the spa, how to accept payment, how to close the register at the end of the day, amongst others.

However, these duties are more indicative of an employee involved in the day-to-day operational aspects of the business, rather than an executive setting goals and policies within a complex organizational hierarchy. For instance, the Petitioner also refers to policies the Beneficiary established related to "paid time off," a "dress code," "how to create and revise employee and independent contractor files," and a procedures manual. But again, the record includes no supporting evidence to substantiate these policies and to corroborate that the Beneficiary is more likely than not focused on these high level aspects of the business rather than its day-to-day operations. Furthermore, it is notable that the Petitioner provided no documentation of the Beneficiary delegating policies or daily operational tasks to his subordinates. In sum, the Beneficiary's asserted duties indicate that the Beneficiary is more like engaged in operational activities alongside his colleagues rather than setting goals and policies from an executive level within a complex organizational hierarchy.

In contrast, the record did include supporting documentation reflecting the Beneficiary's involvement in non-qualifying operational level duties. For example, the Petitioner submitted an invoice for the payment of rent at its spa in March 2018 listing the Beneficiary. The Petitioner also provided invoices from 2017 reflecting the Beneficiary's involvement in purchasing spa supplies through PayPal. This along with the Beneficiary apparent involvement in all aspects of the operation of the Petitioner's businesses indicates that he would more like than not be primarily engaged in non-qualifying operational level duties rather than executive-level policy setting.

Again, whether the Beneficiary is an executive employee turns on whether the Petitioner has sustained its burden of proving that their duties are "primarily" executive. *See* sections 101(a)(44)(B) of the Act. Here, the Petitioner lists duties and provided evidence reflecting the Beneficiary's involvement in non-qualifying tasks, but does not sufficiently document what proportion of the Beneficiary's duties would be executive functions and what proportion would be non-qualifying. For this reason, we cannot determine whether the Beneficiary is primarily performing the duties of an executive. *See IKEA US, Inc. v. U.S. Dept. of Justice*, 48 F. Supp. 2d 22, 24 (D.D.C. 1999).

For the foregoing reasons, the Petitioner did not establish that the Beneficiary would be employed in an executive capacity in the United States.

IV. CONCLUSION

The appeal must be dismissed because the Petitioner has not established that Beneficiary was employed in a managerial or executive capacity abroad or that he would be employed in a managerial or executive capacity in the United States under an extended petition.

ORDER: The appeal is dismissed.

Cite as *Matter of M-I- LLC*, ID# 582837 (AAO Sept. 27, 2019)