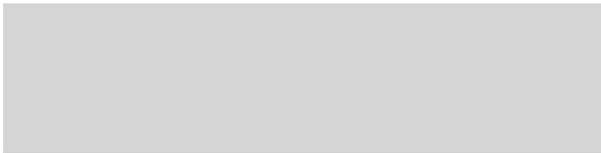


(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



DATE: AUG 07 2015

PETITION RECEIPT #: [REDACTED]

IN RE:

Petitioner:

Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The petitioner filed this Form I-129, Petition for a Nonimmigrant Worker, to classify the beneficiary as an L-1B nonimmigrant intracompany transferee in a specialized knowledge capacity pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a New York registered limited liability partnership, is a provider of structural engineering consulting services. It seeks to transfer the beneficiary from its Indian affiliate to serve in the position of Senior Design Engineer for a period of two years.

On October 29, 2014, the director denied the petition, finding that the petitioner did not establish that it has a qualifying relationship with the beneficiary's foreign employer.

On appeal, the petitioner submits a brief disputing the denial and additional evidence addressing the director's adverse finding.

We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Upon reviewing the entire record of proceeding as supplemented by the petitioner's submission on appeal, we conclude that the record now contains sufficient evidence to overcome the basis for the director's decision.

Specifically, the totality of the evidence now establishes that the petitioner and the beneficiary's foreign employer have an affiliate relationship, as both entities are ultimately owned by the same group of individuals, with each individual owning and controlling approximately the same proportion of each entity. *See* 8 C.F.R. § 214.2(l)(1)(ii)(L)(2).

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner in the instant case has sustained that burden.

ORDER: The appeal is sustained.