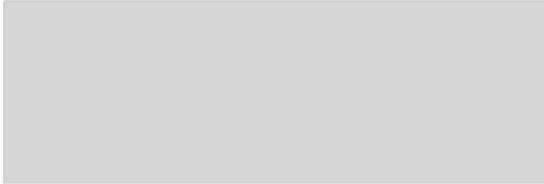




U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: JUL 27 2015

PETITION RECEIPT #. [REDACTED]

IN RE: Petitioner: [REDACTED]

Beneficiary: [REDACTED]

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:



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, California 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 a nonimmigrant visa petition seeking to employ the beneficiary as an L-1A intracompany transferee of its new office pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L) for a period of three years.<sup>1</sup>

On December 22, 2014, the director denied the petition, finding that the petitioner did not establish: (1) that the beneficiary has been employed abroad in a managerial or executive capacity; and (2) that the petitioner will support a managerial or executive position within one year of the approval of the petition.

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

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 and the petitioner's submission on appeal, we conclude that the record contains sufficient evidence to overcome the basis for the director's decision.

Specifically, the totality of the evidence now establishes that the petitioner has satisfied the legal criteria regarding the beneficiary's qualifying employment abroad and in the United States.

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.

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<sup>1</sup> The L Classification Supplement to the Form I-129 indicates that the instant petition seeks to classify the beneficiary as an L-1A intracompany transferee as a managerial or executive employee of a "new office." Pursuant to 8 C.F.R. § 214.2(l)(7)(i)(A)(3), if the beneficiary is coming to the United States to open or be employed in a new office, the petition may be approved for a period not to exceed one year.