



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF C-C- CORP.

DATE: OCT. 9, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a software consulting and development firm, seeks to employ the Beneficiary as a nonimmigrant intracompany transferee. *See* section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The Director, Vermont Service Center denied the petition. The matter is now before us on appeal. The appeal will be sustained.

The Petitioner is a Virginia corporation engaged in the business of software consulting and development, and wishes to employ the Beneficiary in the position of Project Management Principal Leader in the United States. On January 21, 2015, the Director denied the petition, finding that the petitioner failed to establish that: 1) the Beneficiary was employed abroad in a qualifying managerial or executive capacity for one year during the requisite three-year time period; and 2) the Beneficiary's position with the petitioning entity would be in a qualifying managerial or executive capacity.

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 as supplemented by 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 establishes that the Petitioner has satisfied the legal criteria regarding the Beneficiary's qualifying employment with his employer abroad and with the petitioning U.S. entity.

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.

Cite as *Matter of C-C- CORP.*, ID# 13920 (AAO Oct. 9, 2015)