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

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

MATTER OF R- I- INC.

DATE: SEPT. 25, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a Texas corporation, seeks to temporarily employ the Beneficiary under the nonimmigrant L-1A classification. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The Petitioner is self-described as an import and export firm. It claims to be an affiliate of the Beneficiary's foreign employer in China, [REDACTED]. The Beneficiary was initially granted L-1A classification for a period of one year in order to open a new office in the United States and the Petitioner now seeks to extend his status for an additional three years so that he may continue to serve as the Petitioner's "President and General Manager."

The Director concluded that the Petitioner did not establish that the Beneficiary will be employed in the United States in a qualifying managerial or executive capacity.

The Petitioner subsequently filed an appeal. The Director declined to treat the appeal as a motion and forwarded the appeal to us for review. On appeal, the Petitioner asserts that the evidence of record establishes that the Beneficiary will function in a qualifying managerial capacity. The Petitioner submits a brief and additional evidence in support of the appeal.

#### I. THE LAW

To establish eligibility for the L-1 nonimmigrant visa classification, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act. Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within three years preceding the beneficiary's application for admission into the United States. 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, executive, or specialized knowledge capacity.

The regulation at 8 C.F.R. § 214.2(l)(3) states that an individual petition filed on Form I-129, Petition for a Nonimmigrant Worker, shall be accompanied by:

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.
- (ii) Evidence that the alien will be employed in an executive, managerial, or specialized knowledge capacity, including a detailed description of the services to be performed.
- (iii) Evidence that the alien has at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition.
- (iv) Evidence that the alien's prior year of employment abroad was in a position that was managerial, executive or involved specialized knowledge and that the alien's prior education, training, and employment qualifies him/her to perform the intended services in the United States; however, the work in the United States need not be the same work which the alien performed abroad.

The regulation at 8 C.F.R. § 214.2(l)(14)(ii) also provides that a visa petition, which involved the opening of a new office, may be extended by filing a new Form I-129, accompanied by the following:

- (A) Evidence that the United States and foreign entities are still qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section;
- (B) Evidence that the United States entity has been doing business as defined in paragraph (l)(1)(ii)(H) of this section for the previous year;
- (C) A statement of the duties performed by the beneficiary for the previous year and the duties the beneficiary will perform under the extended petition;
- (D) A statement describing the staffing of the new operation, including the number of employees and types of positions held accompanied by evidence of wages paid to employees when the beneficiary will be employed in a managerial or executive capacity; and
- (E) Evidence of the financial status of the United States operation.

## II. EMPLOYMENT IN A MANAGERIAL OR EXECUTIVE CAPACITY

The sole issue addressed by the Director is whether the Petitioner established that it will employ the Beneficiary in a qualifying managerial or executive capacity under the extended petition.

Section 101(a)(44)(A) of the Act, 8 U.S.C. § 1101(a)(44)(A), defines the term “managerial capacity” as an assignment within an organization in which the employee primarily:

- (i) manages the organization, or a department, subdivision, function, or component of the organization;
- (ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;
- (iii) if another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization), or if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and
- (iv) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority. A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor’s supervisory duties unless the employees supervised are professional.

Section 101(a)(44)(B) of the Act, 8 U.S.C. § 1101(a)(44)(B), defines the term “executive capacity” as an assignment within an organization in which the employee primarily:

- (i) directs the management of the organization or a major component or function of the organization;
- (ii) establishes the goals and policies of the organization, component, or function;
- (iii) exercises wide latitude in discretionary decision-making; and
- (iv) receives only general supervision or direction from higher-level executives, the board of directors, or stockholders of the organization.

#### A. Facts

The Petitioner filed the Form I-129 on November 7, 2013. The Petitioner indicated that it is an import and export firm, with four employees and a gross annual income \$85,816.12. The Petitioner stated that the Beneficiary will continue to serve as its President and General Manager.

In a letter dated November 4, 2013, submitted in support of the initial petition, the Petitioner stated that it engages in “import, distribution, and wholesale of hardware, electric appliances, auto and

motorcycle parts, printing supplies and computer peripheral, toys, garments, shoes, jewelry, handbags and accessories.” It further claimed that it operates two wholesale stores, one for “luggage and general goods” and the second for “pet related” products. The Petitioner stated that the company has received an additional cash investment of \$46,269.00 from the Beneficiary, the Petitioner’s sole shareholder, for a total investment of \$160,000.

The Petitioner provided a list of duties for the beneficiary as follows:

1. Determine to hire, fire head of department, and other staff in the company; supervise, and envalue [*sic*] the day-to-day performance of employees; decide to contract sales representatives, regional agents and other outsource professions (e.g. CPA, financial advisors, attorneys); direct activities of contractors, agents and professions, and decide extension or termination of contract or representation. (Timeshare 25%)
2. Direct and coordinate activities of affiliant supplier concerned with order placing, pricing, sales, or distribution of products. [C]onfer with foreign affiliate company to determine product order and importation. (Timeshare 25%)
3. Direct and supervise the implement of sales strategy and sales policy; review financial report to monitor profitability of subdivisions[.]; (Timeshare 15%)
4. Carry out development plan of subdivision and evaluate feasibility of creation, extension, or termination of products. (Management, Timeshare 15%)
5. [D]etermine our progress toward set goals and objectives. (Managerial, Timeshare (20%).

The Petitioner further explained that as the managing partner of the company, the Beneficiary is also in charge of the “executive position” in the company, performing the following duties:

1. Formulate and administrate the company’s business policies, including pricing, administration, and employment policies; (Timeshare 15%)
2. Creat Annual opration [*sic*] report to members meeting, and execute resolutions made by the members. (Timeshare 10%)
3. Develop and implement enterprise strategy; determine the structure and establishment of the company. (Timeshare 25%)
4. Envalue [*sic*] performance of current strategies; review financial and [budget] report; and determine the establishment of subdivision. (Timeshare 35%)
5. Direct and manage all aspects of operations of our company, manage marketing, cost control, transactions and administration activities. (Timeshare 15%)

The Petitioner provided an organizational chart showing the Beneficiary as the General Manager with an associate manager reporting directly to him. Reporting to the associate manager are five managerial positions, as follows: Fiber Recycling Factory Manager; Made-in-USA Factory Manager; Import & Export Department Manager; Store Retail Department Manager; and Wholesale

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& Promotion Department – Office Supply. According to the chart, the positions of Fiber Recycling Manager and Made-in-USA Manager have not yet been filled.

The chart further indicates that the Import & Export Department is managed by the Beneficiary, with the Beneficiary holding the position of Manager of that department in addition to his title of General Manager of the entire operation. Reporting to the Beneficiary in his position of Import & Export Department manager are spaces for “wholesale customer service” and “distribution center & warehouse,” without any corresponding employees. Reporting to the Store Retail Department are three retail stores: luggage and travel, pets, and office supply. Only the luggage and travel and office supply departments have corresponding employees. The luggage and travel department is staffed by the associate manager and one additional employee. The pet store is staffed by the Beneficiary and the office supply employee.

The Petitioner also provided additional documentation in support of the petition including a lease, IRS Forms W-2, W-3, and W-4, as well as IRS Forms 941, Employer’s Quarterly Federal Tax Returns, as evidence of staffing levels. The Petitioner also submitted copies of invoices, photos of the retail space, bank statements, and business licenses.

The Director issued a request for additional evidence (RFE) on April 9, 2014 in which she instructed the Petitioner to submit evidence to show that the Beneficiary will serve in a managerial or executive capacity in the United States. The Director also requested, among other items, more detailed descriptions of the Beneficiary’s duties and the Petitioner’s staffing, along with a detailed organizational chart and evidence of wages paid to employees.

The Petitioner submitted a letter in response, providing the same description of the Beneficiary’s duties as submitted in the initial petition with a few minor changes. The Petitioner stated that the beneficiary is not in charge of the day-to-day operations of the business, explaining that these duties would be assigned to a store manager and import/wholesale specialist. The Petitioner described a retail department run by a store manager, a sales clerk, and an import and wholesale department specializing in pet supplies, which was operated by one import/wholesale specialist. The Petitioner further states that the Beneficiary spends 80% of his time on “executive” duties and 20% of his time on non-managerial, non-executive duties.

The Petitioner provided a new organizational chart showing the Beneficiary as its president and general manager. Reporting to the Beneficiary are a retail manager and an import and wholesale sales representative. The chart shows that the first store, a luggage and jewelry store, is staffed by one sales representative. The chart further demonstrates that the second store, a pet supplies store, is staffed by the import and wholesale specialist who is shown reporting to the retail manager. The Petitioner provided a short list of duties and salary for each of the positions located on the organizational chart. The employees named on the organizational chart in response to the RFE are the same employees named on the organizational chart submitted with the initial petition.

The Director denied the petition, finding that the Petitioner had not established that the Beneficiary will be employed in a managerial or executive capacity under the extended petition. The Director determined that based on the organizational structure described, the Beneficiary would be assisting in the day-to-day non-supervisory duties of the business. The Director stated that although the Petitioner employed a “store manager,” this position did not appear to be managerial in nature as the duties of the store manager involved the day-to-day operations of the business. Furthermore, the Director found that the Petitioner did not employ adequate personnel to staff two retail operations including its claimed luggage and jewelry store and pet supplies wholesale/retail store. The Director also noted that the description of the Beneficiary’s duties included both managerial and executive duties.

On appeal, the Petitioner claims that the Beneficiary will supervise one subordinate managerial employee. The Petitioner states that the store manager will only review sales activities, and will not be performing the day-to-day duties of the store. The Petitioner also claims for the first time on appeal that the Beneficiary manages the essential function of the import/wholesale activities of the store. The Petitioner states that the staffing levels fit the reasonable needs of the organization, and that the Petitioner plans to continue expanding its operations in future years. Finally, the Petitioner contends that because the Beneficiary is the only “executive member” of the company, he must, as such, perform executive duties.

#### B. Analysis

Upon review, and for the reasons stated herein, the Petitioner has not established that the Beneficiary will be employed in a qualifying managerial or executive capacity.

When examining the executive or managerial capacity of the beneficiary, we will look first to the petitioner’s description of the job duties. *See* 8 C.F.R. § 214.2(l)(3)(ii). The definitions of executive and managerial capacity each have two parts. First, the petitioner must show that the beneficiary performs the high-level responsibilities that are specified in the definitions. Second, the petitioner must show that the beneficiary *primarily* performs these specified responsibilities and does not spend a majority of his time on day-to-day functions. *Champion World, Inc. v. INS*, 940 F.2d 1533 (Table), 1991 WL 144470 (9th Cir. July 30, 1991). The fact that the beneficiary manages a business or a component of a business does not necessarily establish eligibility for classification as an intracompany transferee in a managerial or executive capacity within the meaning of sections 101(a)(15)(L) of the Act. *See* 52 Fed. Reg. 5738, 5739-40 (Feb. 26, 1987) (noting that section 101(a)(15)(L) of the Act does not include any and every type of “manager” or “executive”).

The position description the Petitioner submitted with the initial petition and again in response to the RFE is insufficient to establish that the Beneficiary will be primarily performing managerial duties. In both descriptions, which are virtually identical, the Petitioner provides duties for the Beneficiary as both the president/general manager and executive. The percentages assigned to duties in each category add up to 100%. In response to the RFE, the Petitioner states that the Beneficiary’s non-managerial or non-executive duties are less than 20% of his duties. The Petitioner does not clarify

whether the Beneficiary claims to be primarily engaged in managerial duties under section 101(a)(44)(A) of the Act, or primarily executive duties under section 101(a)(44)(B) of the Act. A petitioner must clearly describe the duties to be performed by the beneficiary and indicate whether such duties are either in an executive or managerial capacity. The petitioner must demonstrate that the beneficiary's responsibilities will meet the requirements of one or the other capacity. Neither the percentages, nor the petitioner's explanation, provide any clear understanding of whether the Beneficiary will be performing managerial or executive duties.

In addition to the unclear breakdown of the Beneficiary's time, the duties provided by the Petitioner do not provide a picture of what duties the Beneficiary will be tasked with on a day-to-day basis. Duties such as: formulate and administrate company's business policies, develop and implement enterprise strategy, evaluate performance of current strategies, and direct and manage all aspect of operations of the company, do not describe with any specificity what the Beneficiary will be doing on a day-to-day basis. Reciting the beneficiary's vague job responsibilities or broadly-cast business objectives is not sufficient; the regulations require a detailed description of the beneficiary's daily job duties. The petitioner has not provided any detail or explanation of the beneficiary's activities in the course of his daily routine. The actual duties themselves will reveal the true nature of the employment. *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).

When examining the managerial or executive capacity of a beneficiary, U.S. Citizenship and Immigration Services (USCIS) reviews the totality of the record, including descriptions of a beneficiary's duties and those of his or her subordinate employees, the nature of the petitioner's business, the employment and remuneration of employees, and any other facts that contribute to an understanding of a beneficiary's actual role in a business.

Here, in addition to the vague description of duties submitted by the Petitioner, the organizational structure does not support an executive-level position. 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, 8 U.S.C. § 1101(a)(44)(B). 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 organization must have a subordinate level of managerial employees for the beneficiary to direct and 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. The 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 Petitioner claims on appeal that the Beneficiary spends less than 20% of his time performing non-managerial or non-executive tasks. The Petitioner's organizational charts and staffing levels, however, cast doubt on the Petitioner's claims. The organizational chart submitted with the initial

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petition shows the Beneficiary performing three different roles within the company: general manager, manager of the import & export department, and as an employee of the second retail store. In its response to the Director's request for further evidence, the Petitioner removed the Beneficiary from the subordinate positions, leaving him only as the president and general manager. In sum, the initial organizational chart shows the Beneficiary performing more of the actual work, while the second organizational chart has the Beneficiary managing more of the work done in the Petitioner's operation.

The purpose of the request for evidence is to elicit further information that clarifies whether eligibility for the benefit sought has been established. 8 C.F.R. § 103.2(b)(8). When responding to a request for evidence, a petitioner cannot offer a new position to the beneficiary, or materially change a position's title, its level of authority within the organizational hierarchy, or its associated job responsibilities. The petitioner must establish that the position offered to the beneficiary, when the petition was filed, merits classification as a managerial or executive position. *Matter of Michelin Tire Corp.*, 17 I&N Dec. 248, 249 (Reg. Comm'r 1978). If significant changes are made to the initial request for approval, the petitioner must file a new petition rather than seek approval of a petition that is not supported by the facts in the record.

In this matter, the information provided by the Petitioner in its response to the Director's request for further evidence did not clarify or provide more specificity to the original duties of the position, but rather removed the Beneficiary from non-qualifying roles within the organization. Therefore, the analysis of this criterion will be based on the job description and organizational chart submitted with the initial petition.

At the time of filing, the Petitioner claimed that it employed the Beneficiary and three other employees. The Petitioner has not shown that the Beneficiary is relieved from primarily performing the day-to-day duties associated with operating a retail or wholesale business, nor has it claimed that his duties are primarily related to directing the management of the company or establishing its goals and policies. As noted, the record reflects that, at the time the petition was filed, the Beneficiary was shown on the organizational chart to be performing non-qualifying roles for the Petitioner including serving as a first-line supervisor and day-to-day employee of the pet wholesale store. Accordingly, the Petitioner has not established that the Beneficiary is employed in a qualifying executive capacity.

The statutory definition of "managerial capacity" allows for both "personnel managers" and "function managers." See sections 101(a)(44)(A)(i) and (ii) of the Act, 8 U.S.C. §§ 101(a)(44)(A)(i) and (ii). Personnel managers are required to primarily supervise and control the work of other supervisory, professional, or managerial employees. Contrary to the common understanding of the word "manager," the statute plainly states that a "first line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor's supervisory duties unless the employees supervised are professional." Section 101(a)(44)(A)(iv) of the Act; 8 C.F.R. § 214.2(l)(1)(ii)(B)(2).

Although the beneficiary is not required to supervise personnel, if it is claimed that his duties involve supervising employees, the petitioner must establish that the subordinate employees are supervisory, professional, or managerial. *See* § 101(a)(44)(A)(ii) of the Act.

On appeal the Petitioner claims that the Beneficiary qualifies as a manager because he supervises a subordinate managerial-level employee. As with the Beneficiary, the organizational charts submitted by the Petitioner cast doubt on whether the subordinate manager is spending a majority of his time performing managerial level duties. Specifically, the first organizational chart shows the subordinate manager serving as the associate manager, as well as the retail department manager, and as an employee of the luggage and travel store. On appeal, the organizational chart shows the subordinate manager only as the retail manager. Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988).

A critical analysis of the nature of the Petitioner's business undermines the Petitioner's assertion that the subordinate employees relieve the Beneficiary from performing non-qualifying duties. The Petitioner claims that it operates two retail stores and an import/export business, but only claims to have one employee at each store. The Petitioner has not provided, at a minimum, an overview of the hours of operation for each stores and what employees are scheduled to work at what times. According to the organizational chart, employees fulfill multiple roles and duties, including those at the managerial level and the Beneficiary himself. Thus, it can only be assumed, and has not been proven otherwise, that the Beneficiary is performing both managerial and administrative functions associated with running the business. Based on the record of proceeding, the Beneficiary's job duties are principally composed of non-qualifying duties that preclude him from functioning in a primarily managerial or executive role. An employee who primarily performs the tasks necessary to produce a product or to provide services is not considered to be "primarily" employed in a managerial or executive capacity. *Matter of Church Scientology International*, 19 I&N Dec. 593, 604 (Comm'r 1988).

Pursuant to section 101(a)(44)(C) of the Act, 8 U.S.C. § 1101(a)(44)(C), if staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, USCIS must take into account the reasonable needs of the organization, in light of the overall purpose and stage of development of the organization. We note the Petitioner's assertion on appeal that its staffing levels fit the reasonable needs of its organization, and that it plans to continue expanding its operations in future years. In the present matter, however, the regulations provide strict evidentiary requirements for the extension of a "new office" petition and require USCIS to examine the organizational structure and staffing levels of the petitioner. *See* 8 C.F.R. § 214.2(l)(14)(ii)(D). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) requires the "new office" operation to support an executive or managerial position within one year within the date of approval of the petition. There is no provision in USCIS regulations that allows for an extension of this one-year period. If the business does not have sufficient staffing after one year to relieve the beneficiary from primarily performing operational and administrative tasks, the petitioner is ineligible by regulation for an extension. In the

instant matter, the Petitioner has not reached the point that it can employ the Beneficiary in a predominantly managerial or executive position.

Finally, we note the Petitioner's assertion, for the first time on appeal, that the Beneficiary qualifies as a manager because he manages an essential function; namely, the Petitioner's import and wholesale business. The term "function manager" applies generally when a beneficiary does not supervise or control the work of a subordinate staff but instead is primarily responsible for managing an "essential function" within the organization. *See* section 101(a)(44)(A)(ii) of the Act, 8 U.S.C. § 1101(a)(44)(A)(ii). The term "essential function" is not defined by statute or regulation. If a petitioner claims that the beneficiary is managing an essential function, the petitioner must furnish a written job offer that clearly describes the duties to be performed in managing the essential function, i.e. identify the function with specificity, articulate the essential nature of the function, and establish the proportion of the beneficiary's daily duties attributed to managing the essential function. *See* 8 C.F.R. § 214.2(l)(3)(ii). In addition, the petitioner's description of the beneficiary's daily duties must demonstrate that the beneficiary manages the function rather than performs the duties related to the function. As previously noted, an employee who "primarily" performs the tasks necessary to produce a product or to provide services is not considered to be "primarily" employed in a managerial or executive capacity. *See* sections 101(a)(44)(A) and (B) of the Act (requiring that one "primarily" perform the enumerated managerial or executive duties); *see also* *Boyang, Ltd. v. I.N.S.*, 67 F.3d 305 (Table), 1995 WL 576839 (9th Cir, 1995)(citing *Matter of Church Scientology International*, 19 I&N Dec. at 604).

The organizational chart submitted with the initial petition shows the Beneficiary working as an employee of the Petitioner's pet supplies store, which is one of the claimed retail operations encompassed in the petitioner's import and wholesale business. This claim contradicts the assertion that the Beneficiary is a function manager, since it appears he is one of the individuals performing the necessary retail services of this store. Furthermore, even if the Petitioner can show that the Beneficiary overseeing the Petitioner's pet supply store, and not performing the essential retail services of the operation, the Petitioner has not clearly stated what percentage of time the Beneficiary will specifically spend supervising this function of the business in addition to his other claimed executive and non-qualifying duties. In this matter, the Petitioner has not provided evidence that the Beneficiary manages an essential function.

Based on the foregoing discussion, the Petitioner has not established that it will employ the Beneficiary in a managerial or executive capacity under the extended petition. Accordingly, the appeal will be dismissed.

### III. BEYOND THE DIRECTOR'S DECISION

Although not addressed by the Director, a remaining issue to be examined is whether the Petitioner has established that the Beneficiary's services are for a temporary period. The regulation at 8 C.F.R. § 214.2(l)(3)(vii) states that if the beneficiary is an owner or major stockholder of the company, the petition must be accompanied by evidence that the beneficiary's services are to be used for a

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temporary period and that the beneficiary will be transferred to an assignment abroad upon the completion of the temporary services in the United States.

In this matter, the record shows that the Beneficiary is the sole shareholder of the petitioning entity, and a major stockholder of the parent organization. On the petition, the Petitioner indicated that the Beneficiary's services would be required for three years. No evidence of the claim was provided. In the absence of persuasive evidence, it cannot be concluded that the Beneficiary's services are to be used temporarily or that he will be transferred to an assignment abroad upon completion of the position in the United States. Therefore, the petition may not be approved on this basis as well.

#### IV. CONCLUSION

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

**ORDER:** The appeal is dismissed.

Cite as *Matter of R- I- Inc.*, ID# 13676 (AAO Sept. 25, 2015)