



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

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

MATTER OF O-S-, INC.

DATE: APR. 29, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a developer of a proprietary billing platform, seeks to temporarily employ the Beneficiary as a director of product development under the L-1A nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act (the Act) § 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 an executive or managerial capacity.

The Director, California Service Center, denied the petition. The Director concluded that the Petitioner did not establish that it would employ the Beneficiary in a qualifying managerial or executive capacity.

The matter is now before us on appeal. In its appeal, the Petitioner submits an appellate brief and additional supporting evidence addressing the ground for denial.

Upon reviewing the entire record of proceeding, we conclude that the Petitioner provided sufficient evidence on appeal to overcome the ground for the denial.

Specifically, we find that the totality of the evidence now establishes that the Petitioner has satisfied the legal criteria regarding the Beneficiary's qualifying employment 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 O-S-, Inc.*, ID# 16436 (AAO Apr. 29, 2016)