



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

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

MATTER OF Y-I-T- INC.

DATE: JAN. 5, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an Illinois corporation established in July 2014 engaging in international trade, seeks to classify the Beneficiary as an L-1A nonimmigrant intracompany transferee. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director, California Service Center, denied the petition. The matter is now before us on appeal. The appeal will be sustained.

On June 8, 2015, the Director denied the petition, finding that the Petitioner did not establish that the Beneficiary had been employed abroad and will be employed in the United States 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, we conclude that the record now 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 abroad and with the petitioning entity 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.

Cite as *Matter of Y-I-T- Inc.*, ID# 14583 (AAO Jan. 5, 2016)