



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

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

MATTER OF J-E-C-, INC.

DATE: JAN. 12, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a New York corporation, seeks to classify the beneficiary as an L-1A 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 nonimmigrant visa petition. The matter is now before us on appeal. The appeal will be sustained.

The Petitioner is a new office in the United States engaged in financial services and banking. It is a wholly owned subsidiary of [REDACTED] located in Bangladesh. The Petitioner seeks to employ the Beneficiary as the president of its new office in the United States for a period of one year.

The Director denied the petition, finding that the Petitioner did not establish that the Beneficiary was employed with the foreign employer in a qualifying managerial or executive capacity. Further, the Director concluded that the Petitioner did not demonstrate that the Beneficiary would be employed in a qualifying managerial or executive capacity within one year of the approval of the new office petition.

On appeal, the Petitioner states that the Director's denial was erroneous given the evidence submitted. The Petitioner contends that it has submitted sufficient evidence to establish that the Beneficiary acts in a qualifying managerial or executive capacity and that the Beneficiary will act in a qualifying managerial or executive capacity in the United States within one year. The Petitioner submits a brief and additional evidence in support of the appeal.

In visa petition proceedings, the burden is on the petitioner to establish eligibility for the benefit sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). The petitioner must prove by a preponderance of evidence that the beneficiary is fully qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). We conduct appellate review on a *de novo* basis. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). In doing so, we apply the preponderance of the evidence standard as outlined in *Matter of Chawathe*.

Upon reviewing the entire record of proceedings as supplemented by the Petitioner's submission on appeal, we conclude that the record now contains sufficient evidence to overcome the grounds for denial.

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Specifically, the totality of the evidence now establishes that the Petitioner has satisfied the legal criteria regarding the Beneficiary's qualifying employment with his former employer abroad and demonstrates that the Beneficiary will more likely than not act in a qualifying managerial capacity in the United States within one year.

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; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the Petitioner has met that burden.

ORDER: The appeal is sustained.

Cite as *Matter of J-E-C-, Inc.*, ID# 15066 (AAO Jan. 12, 2016)