



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

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

In Re: 24062164

Date: APR. 11, 2023

Appeal of California Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1A Manager or Executive)

The Petitioner, a transportation company, seeks to employ the Beneficiary temporarily as its president under the L-1A nonimmigrant classification for intracompany transferees who are coming to be employed in the United States in a managerial or executive capacity. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the California Service Center denied the petition, concluding that the Petitioner did provide sufficient evidence establishing that: 1) it has a qualifying relationship with the Beneficiary's employer abroad; 2) the foreign entity has been doing business; 3) the Beneficiary was employed abroad in a managerial or executive capacity; and 4) the Beneficiary would be employed in the United States in a managerial or executive capacity. We note that each ground stands as an independent basis for the denial of the petition.

On appeal, the Petitioner only addresses the fourth ground regarding the Beneficiary's proposed employment, but it does not dispute or otherwise discuss the three remaining grounds concerning whether the Petitioner has a qualifying relationship with the Beneficiary's foreign employer, whether the Beneficiary's foreign employer has been doing business, and whether the Beneficiary's employment abroad was in a managerial or executive capacity. As the Petitioner does not address these issues on appeal, it has abandoned its claims. *See Matter of R-A-M*, 25 I&N Dec. 657, 658 n.2 (BIA 2012) (stating that when a filing party fails to appeal an issue addressed in an adverse decision, that issue is waived); *see also Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005); *Hristov v. Roark*, No. 09-CV-27312011, 2011 WL 4711885 at \*1, 9 (E.D.N.Y. Sept. 30, 2011) (the court found the plaintiff's claims to be abandoned as he failed to raise them on appeal to the AAO). When an appellant fails to properly challenge one or more of the independent grounds upon which the Director based the overall determination, the filing party has abandoned any challenge of that ground or grounds, and it follows that the Director's adverse determination will be affirmed. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014); *United States v. Cooper*, No. 17-11548, 2019 WL 2414405, at \*3 (11th Cir. June 10, 2019). For this reason, the appeal will be dismissed.

In light of the above, it is unnecessary to analyze the remaining independent ground, given that three other grounds are dispositive of the appeal. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (finding it unnecessary to analyze additional grounds when another independent issue is dispositive of the

appeal); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible). Because the Petitioner has abandoned its claims regarding three issues that served as grounds for the denial, this petition cannot be approved.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

**ORDER:** The appeal is dismissed.