U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF W-B-C-(S-) INC. DATE: APR. 2, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a dry bulk shipping company, seeks to continue the Beneficiary's temporary employment as its chartering manager under the L-1A nonimmigrant classification for intracompany transferees.[1] *See* Immigration and Nationality Act (the Act) section 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 a managerial or executive capacity.

The Director of the California Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary would be employed in the United States in a managerial or executive capacity under the extended petition.

On appeal, the Petitioner submits additional evidence and asserts that the Director erred in determining that the Petitioner made significant changes to the Beneficiary's duties between the filing of the petition and its response to the Director's request for evidence (RFE). The Petitioner asserts that the Beneficiary's job will be primarily managerial.

Upon *de novo* review, we will sustain the appeal. We find that the Petitioner has submitted sufficient evidence establishing that the Beneficiary would more likely than not be employed in a managerial capacity. Specifically, a review of the record shows that the Beneficiary will primarily allocate his time to managerial duties, that he will manage a specific function that is essential to the Petitioner's organization, and that he acts at a senior level with respect to the function managed and exercises discretion over day-to-day operations

ORDER: The appeal is sustained.

Cite as *Matter of W-B-C-(S-) Inc.*, ID# 2609105 (AAO Apr. 2, 2019)

[1] The Petitioner previously filed a petition on the Beneficiary's behalf which was approved for the period April 26, 2016, until April 25, 2017.