U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF G- LLC

DATE: APR. 15, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an information technology company with over 80,000 employees worldwide, seeks to temporarily employ the Beneficiary as a senior account manager 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 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: (1) the Beneficiary was employed abroad in a managerial or executive capacity; and (2) the Petitioner will employ the Beneficiary in the United States in a managerial or executive capacity.

On appeal, the Petitioner submits a brief and additional evidence, and asserts that the Director erred by concluding that the Beneficiary's current and proposed positions are not managerial.

Upon *de novo* review, we will sustain the appeal.

The denial decision was based on a finding that there were evidentiary deficiencies in the record with respect to the Beneficiary's role as a manager with the foreign entity and the Petitioner, and with respect to the duties performed by the Beneficiary's subordinate employees. The decision also states that the Petitioner did not establish that the foreign entity and the Petitioner have organizational structures sufficient to elevate the Beneficiary to a managerial role. The Petitioner has sufficiently addressed these deficiencies by supplementing the record on appeal.

The record now establishes by a preponderance of the evidence that the Beneficiary's role with the foreign entity required him to manage a component of the company, oversee the work of subordinate professionals, has authority over the personnel actions, and exercise discretion over the day-to-day operations of the component. Further, the Petitioner has established that the Beneficiary's role in the United States will require him to oversee a staff of subordinate professionals and exercise similar discretionary authority over the component. The Petitioner has also demonstrated that both the foreign entity and the U.S. entity have sufficient staff to relieve the Beneficiary from significant involvement

in day-to-day operational tasks, such that his primary duties have been and would be primarily managerial in nature. Accordingly, we find that the Petitioner has established that the Beneficiary has been employed abroad, and would be employed in the United States, in a managerial capacity as defined at section 101(a)(44)(A) of the Act.

ORDER: The appeal is sustained.

Cite as *Matter of G- LLC*, ID# 1920817 (AAO Apr. 15, 2019)