U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41067434

Date: APR. 16, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a construction and renovation company, seeks to continue employing the Beneficiary temporarily as its procurement 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.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Beneficiary would be employed in the United States in a managerial capacity.[2] The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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.

I. LAW

To establish eligibility for the L-1A nonimmigrant visa classification, a qualifying organization must have employed the beneficiary "in a capacity that is managerial, executive, or involves specialized knowledge," for one continuous year within three years preceding the beneficiary's application for admission into the United States. Section 101(a)(15)(L) of the Act. In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity. *Id.*

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[1] The Petitioner previously filed a "new office" petition on the Beneficiary's behalf which was approved for the period November 4, 2023, until November 3, 2024. A "new office" is an organization that has been doing business in the United States through a parent, branch, affiliate, or subsidiary for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a "new office" operation one year within the date of approval of the petition to support an executive or managerial position.

[2] The Petitioner claims that the Beneficiary will be employed in the capacity of a function manager and does not claim that he would be employed in an executive capacity.

A petitioner seeking to extend an L-1A petition that involved a new office must submit a statement of the beneficiary's duties during the previous year and under the extended petition; a statement describing the staffing of the new operation and evidence of the numbers and types of positions held; evidence of its financial status; evidence that it has been doing business for the previous year; and evidence that it maintains a qualifying relationship with the beneficiary's foreign employer. 8 C.F.R. § 214.2(l)(14)(ii).

II. ANALYSIS

The issue to be addressed is whether the Petitioner provided sufficient evidence establishing that the Beneficiary's proposed position as procurement manager will be in a managerial capacity.

The statutory definition of "managerial capacity" allows for both "personnel managers" and "function managers." *See* section 101(a)(44)(A) of the Act. Personnel managers are required to primarily supervise and control the work of other supervisory, professional, or managerial employees. Contrary to the common understanding of the word "manager," the statute plainly states that a "first line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor's supervisory duties unless the employees supervised are professional." *Id.* A beneficiary who directly supervises other employees must also have the authority to hire and fire those employees, or recommend those actions, and take other personnel actions. 8 C.F.R. § 214.2(l)(1)(ii)(B)(*3*).

In determining whether a given beneficiary will be employed in a managerial capacity, we consider the petitioner's description of the job duties, the company's organizational structure, the duties of a beneficiary's subordinate employees, if any, the presence of other employees to relieve the beneficiary from performing operational duties, the nature of the business, and any other factors that will contribute to understanding a beneficiary's actual duties and role in a business.

In the present matter, the Petitioner states that the Beneficiary's role is to continue to manage the procurement function within its U.S. operation which offers commercial and residential renovation services and whose "core competencies" include interior design, material sourcing, project oversight, and on-site construction supervision. In support of the petition the Petitioner provided the Beneficiary's job duty breakdown as well as an organizational chart showing a staffing structure comprised of employees who are based in the United States and in Chongqing, China, where the Petitioner's parent entity is located. The chart indicates that two employees who support the Beneficiary's role are based in China, namely a contract cost control director and purchasing manager. The chart depicts three other manager roles alongside the Beneficiary – an engineering manager, an administrative manager, and a marketing manager, with the latter two positions along with a marketing specialist and three "technology and administrative support" staff also occupied by individuals working abroad for the parent entity.

After reviewing the record, SCOPS issued a request for evidence (RFE), asking the Petitioner to provide a more detailed description of the Beneficiary's daily routine and proposed job duties as well as examples and supporting documentation of the Beneficiary's activities. SCOPS questioned whether the Petitioner is adequately staffed to relieve the Beneficiary from having to primarily perform operational tasks and asked for additional evidence establishing that the Beneficiary will manage

rather than perform an essential function, including evidence of the duties performed by employees and contractors subject to the Beneficiary's oversight.

In response, the Petitioner stated that the Beneficiary's role involves "strategic oversight, interdepartmental coordination, and high-level decision-making." The Petitioner also stated that the Beneficiary does not perform such operational tasks as placing purchase orders or accepting deliveries. The Petitioner did not specify precisely who within its organization carries out these necessary operational functions and provided documents that appear to contradict its claim as to the Beneficiary's level of involvement in placing orders. For instance, the record contains the Petitioner's one-year purchase history with [redacted] which lists the Beneficiary's name next to more than 50 orders that were placed online and at various store locations between May 2024 and February 2025, thereby indicating that the Beneficiary was the point of contact and likely placed those orders. The record also contains an invoice issued by [redacted] which identifies the Beneficiary as the "Sold To" party with respect to purchases made between January and April 2025. We note that an employee who "primarily" performs the tasks necessary to produce a product or to provide services is not considered to be "primarily" employed in a managerial or executive capacity. *See, e.g.*, sections 101(a)(44)(A) and (B) of the Act (requiring that one "primarily" perform the enumerated managerial or executive duties); *Matter of Church Scientology Int'l*, 19 I&N Dec. 593, 604 (Comm'r 1988). Also, the Petitioner must resolve the noted incongruity in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

The Petitioner also resubmitted its organizational chart, explaining that while the U.S. organization "remains lean" in terms of its local staffing, the Beneficiary will collaborate with U.S.- and foreign-based staff in a "cross-functional and interdependent capacity." Although the Petitioner stated that the Beneficiary "serves as a peer to other department heads, such as those leading engineering and marketing," it did not clarify precisely how the Beneficiary has or would collaborate with the marketing manager and marketing specialists, all positions that are identified as foreign-based and working at the Petitioner's parent entity in China. In fact, in discussing the local and foreign staff who would work with the Beneficiary in supporting the procurement function the Petitioner focused on two U.S.- and two foreign-based positions, none of which included the marketing staff.

In discussing the positions assigned to support the procurement function, he Petitioner listed and provided job descriptions for an architectural designer and an engineering manager, both U.S.-based employees, and for the director of contract management and a purchasing manager, both based at the parent entity in China. Aside from vaguely mentioning marketing among the "other department heads" with whom the Beneficiary would interact, the Petitioner did not provide supporting evidence, such as job descriptions or a discussion about the nature of the Beneficiary's interaction with foreign-based marketing employees, to explain their involvement, if any, in supporting the Beneficiary's management of the procurement function. The Petitioner must support its assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner also did not adequately elaborate or support the claim that the Beneficiary does not perform "routine or clerical purchasing tasks." Not only is this claim inconsistent with the Petitioner's purchase history receipt from [redacted] and the invoice from [redacted] but no information was provided to explain precisely who performs these tasks, which may be non-managerial but are nevertheless essential to the Petitioner's operation. Although the Petitioner's

organizational chart includes an administrative manager, no job description was provided for this position; and like the director of contract management and purchasing manager, the administrative manager position is also held by a foreign-based worker. The Petitioner did not explain how an administrative manager working in China supports its U.S. operation and more importantly how, if at all, it supports the procurement function which the Beneficiary is claimed to manage.

The RFE response also includes the Beneficiary's job duty breakdown, which is identical to the one originally submitted in support of the petition and is deficient in its level of details provided. Details about the Beneficiary's duties are critical as the actual duties themselves reveal the true nature of the employment. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d. Cir. 1990). While the job description highlights the Beneficiary's discretionary authority over each project's plans and requirements, it lacks sufficient detail about the Beneficiary's tasks and does not adequately elaborate on his interactions with employees and contractors who are claimed as key supporting components of the procurement function.

For instance, the Petitioner stated that 35% of the Beneficiary's time will be spent planning, organizing, and overseeing "large-scale renovation projects" by performing such duties as creating "project blueprints," identifying potential issues to mitigate delays, collaborating with "departmental leads to assess resource needs," and allocating "resources across various departments." The Petitioner did not, however, discuss the daily process for or the specific actions required to create a project blueprint. And despite claiming that "each department [is] well-prepared to contribute toward successful project outcome," the Petitioner did not describe the Beneficiary's interactions and collaboration with the marketing and administrative managers. As stated above, the Petitioner did not provide job descriptions for either the marketing or administrative manager to explain how these "departmental leads," who are both listed alongside the Beneficiary in the Petitioner's organizational chart, support successful project completion.

The Petitioner claimed that another 25% of the Beneficiary's time would be spent providing "cross-departmental team leadership" which includes defining individual and team responsibilities, holding team meetings, and "managing relationships with external contractors and outsourced labor" by setting timelines and quality standards and conducting status updates. However, the Petitioner did not elaborate on individual or team responsibilities in the course of a project timeline, despite the RFE's request for examples and supporting documentation.

The Petitioner also did not provide evidence or examples of interactions between the Beneficiary and the positions that are claimed to support the procurement function. For instance, the organizational chart lists four "Material Suppliers" contractors as being subject to the Beneficiary's oversight, but the record includes no documentation of any communications between the Beneficiary and these service providers. Likewise, the Petitioner did not adequately document the Beneficiary's communication with other support staff. This evidentiary deficiency is particularly critical with respect to the Beneficiary's interactions with the foreign-based staff who work in central China and operate in a time zone that is 15 hours ahead of the Pacific Standard Time zone where the Petitioner operates. *See* https://www.travelmath.com/time-change/from/Stanton,+CA/to/Chongqing,+China.

Here, although the Petitioner provided an hourly breakdown representing the Beneficiary's "typical day" of work, claiming that the Beneficiary "shifts to real-time coordination with the international procurement support team" during the last one-hour timeslot of his day, the information provided is general and does not offer sufficiently detailed information to explain how the Beneficiary oversees work performed by the China-based staff. For instance, the hourly breakdown states that the Beneficiary "leads virtual meetings with the China-based Purchasing Manager and Director of Contract Management to review purchase order status, shipment schedules, customs documentation, and outstanding sourcing needs." However, the record lacks evidence of actual interactions between the Beneficiary and these overseas employees, nor does it include other corroborating evidence, such as purchase receipts and shipping documents to support the Beneficiary's claimed interactions or as proof of the claimed overseas transactions. The only evidence of purchases made stems from receipts documenting the Petitioner's purchases from [redacted] Further, it is unclear precisely how much time, if any, the purchasing manager and director of contract management actually devote to supporting the U.S. operation and the Beneficiary's work therein, given that both are employed by the foreign entity whose interests are likely their primary concern. *See Matter of Z-A-, Inc.*, Adopted Decision 2016-02 (AAO Apr. 14, 2016) (involving a beneficiary with an eight-person foreign support staff who were assigned to "exclusively support" the function being managed by the beneficiary in the United States).

The Beneficiary's hourly breakdown contains other deficiencies that undermine the Petitioner's claim that the Beneficiary will primarily perform managerial duties. First, the 10:00 – 11:30 AM timeslot mentions that the Beneficiary monitors expenditures and "implements cost-optimization measures, such as consolidating orders or switching to alternate suppliers," but it is unclear how these seemingly operational functions qualify as managerial tasks that are consistent with managing, rather than performing the underlying duties of the procurement function. And while the 3:00 – 5:00 PM timeslot states that the Beneficiary will allocate time to "review[ing] procurement performance data and vendor scorecards," it is unclear who carries out the operational tasks of generating the data and creating the scorecards for the Beneficiary to review.

It is also worth noting that the Petitioner has not explained who carries out the sales function and who handles customer communications leading up to project completion. As stated earlier, the Petitioner must prove that the Beneficiary will be *primarily* engaged in managerial duties, as opposed to ordinary operational activities alongside the Petitioner's other employees. *See Family Inc. v. USCIS*, 469 F.3d 1313, 1316 (9th Cir. 2006). Without sufficient probative and credible evidence establishing that the Beneficiary primarily performs tasks of a managerial nature, we cannot rule out the possibility that he is directly involved in both the managerial and operational tasks that are associated with the procurement function. *See Matter of Chawathe*, 25 I&N Dec. at 376.

On appeal, the Petitioner argues that SCOPS mischaracterized the Beneficiary's role and did not properly evaluate the submitted evidence, particularly evidence regarding the Petitioner's staffing in light of its stage of development. We disagree.

As discussed above, although the Petitioner claimed that the Beneficiary relies on members of the foreign entity's staff to support his management of the procurement function, the record lacks sufficient corroborating documentation of the foreign staff's involvement, such as evidence of duties performed by the foreign staff in supporting the procurement function and documents showing the

Beneficiary's regular interactions with such staff in the regular course of business. The record also contains evidence that is inconsistent with the Petitioner's repeated claims that the Beneficiary is not involved in operational tasks such as making purchase orders. And as stated earlier, the record is unclear as to who performs the Petitioner's sales and customer-related functions. Although the Petitioner's organizational chart lists an administrative manager as part of the U.S. entity's staffing, no job description was provided for this foreign-based position, thus also leaving us to question who carries out the Petitioner's daily operational tasks and whether the Petitioner is adequately staffed to relieve the Beneficiary from having to allocate his time primarily to non-managerial job duties.

In sum, the record contains deficiencies and ambiguities concerning the Petitioner's organizational hierarchy and the Beneficiary's assigned job duties. Therefore, the record does not support the Petitioner's claim that the Beneficiary would perform primarily managerial duties in the course of managing the procurement function.

III. CONCLUSION

The Petitioner has not established that it will employ the Beneficiary in a managerial capacity in the United States. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.