U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF T-C-, INC.

DATE: APR. 17, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, which exports lumber to its foreign parent company, which manufactures furniture for the Petitioner to sell, seeks to continue the Beneficiary's temporary employment as its president under the L-1A nonimmigrant classification for intracompany transferees.[1] 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 Petitioner will employ the Beneficiary in the United States in a managerial or executive capacity.

The matter is now before us on appeal. Upon *de novo* review, we will sustain the appeal.

The Director's decision emphasized the small size of the Petitioner's staff. The Petitioner, however, has established that other employees relieve the Beneficiary from having to perform non-qualifying tasks. The record shows that the petitioning entity's operations are closely tied with those of its foreign parent company, and that the Beneficiary has an active and ongoing role in directing the management of both companies. The Petitioner has credibly demonstrated that the Beneficiary primarily performs managerial duties and that Beneficiary's work involves more than simply the direct supervision of non-professional first-line subordinates.

ORDER: The appeal is sustained.

Cite as *Matter of T-C-, Inc.*, ID# 2879004 (AAO Apr. 17, 2019)

[1] The Petitioner previously filed a "new office" petition on the Beneficiary's behalf which was approved for the period July 20, 2017, until July 29, 2018. 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.