U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF G-M- LLC

DATE: APR. 24, 2018

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a company operating a restaurant, seeks to temporarily employ the Beneficiary as its director under the L-1A nonimmigrant classification for intracompany transferees. *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 Vermont Service Center denied the petition, concluding that the record did not establish that the Beneficiary would be employed in a managerial or executive capacity. Further, the Petitioner determined that the Petitioner did not demonstrate that the Beneficiary had been employed abroad by a qualifying entity for one continuous year in the three years prior to the time of filing.

Upon *de novo* review, we conclude that the record now contains sufficient evidence to overcome the Director's denial. First, the Petitioner has provided sufficient evidence to establish that the Beneficiary will be employed in a managerial capacity in the United States. The Petitioner has submitted a credible and detailed duty description for the Beneficiary and substantial supporting evidence indicating that she will supervise a general manager and other subordinate supervisors with subordinates of their own. This organizational structure qualifies the Beneficiary as a personnel manager based on her supervision of other managers and supervisors. Section 101(a)(44)(A)(iv) of the Act. The provided evidence indicates that the Beneficiary's subordinates will relieve her from primarily performing non-qualifying operational tasks and allow her to primarily perform managerial duties.

In addition, the Petitioner submits additional evidence on appeal, including pay stubs, substantiating that she was employed for the required one continuous year abroad in the three years preceding the filing of the petition. As such, the Petitioner has also overcome this ground for denial.

The totality of the evidence establishes that that the Beneficiary will more likely than be employed in a managerial or executive capacity and that she was employed abroad with the foreign employer for one continuous year out of the three years preceding the filing of the petition.

ORDER: The appeal is sustained.

Cite as *Matter of G-M- LLC*, ID# 1041520 (AAO Apr. 24, 2018)