U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF AJG-T- LLC
APPEAL OF CALIFORNIA SERVICE CENTER DECISION

DATE: APR. 30, 2018

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

The Petitioner, a clothing wholesaler, seeks to temporarily employ the Beneficiary as its general manager 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 California Service Center revoked approval of the petition, concluding that the record did not establish, as required, that the Beneficiary has been and would be employed in an executive capacity. The Director pointed to a discrepancy in salaries between the Beneficiary and his subordinate and questioned the sufficiency of the Petitioner's staffing, ultimately finding that the Petitioner does not possess a level of complexity that would elevate the Beneficiary to an executive-level position.

On appeal, the Petitioner argues that the Director did not specifically list all concerns and perceived anomalies in the notice of intent to revoke, and thus precluded the Petitioner from being able to address and resolve these issues prior to the revocation. Accordingly, the Petitioner submits an appellate brief and additional supporting evidence, which provides greater insight as to how the Petitioner's business functions and who performs the key underlying operational tasks of that business. It also clarifies the nature of the relationship between the Beneficiary and his subordinate vice president, and explains the disparity in their respective salaries. In sum, we find that the record of proceeding, as supplemented by the Petitioner's submission on appeal, establishes that it has and would, more likely than not, continue to employ the Beneficiary in an executive capacity.

Upon *de novo* review, we find that the Petitioner has overcome the Director's decision. Therefore, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of AJG-T- LLC*, ID# 1196149 (AAO Apr. 30, 2018)