U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-M- INC.

DATE: APR. 30, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a television production and artist management company, seeks to temporarily employ the Beneficiary as its managing 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 California Service Center denied the petition, concluding that the Petitioner did not establish, as required, that the Beneficiary has been employed abroad, or would be employed in the United States, in a managerial or executive capacity.

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

The Petitioner has established by a preponderance of the evidence that the Beneficiary has been employed abroad, and will be employed in the United States in a managerial capacity as defined at section 101(a)(44)(A) of the Act. The record does not support the Director's finding that the Beneficiary's role primarily involves supervising non-professional employees and performing "routine operational activities." The Petitioner has demonstrated the Beneficiary's authority to hire and fire employees, her supervision of professional employees, and her delegation of routine operational activities to her subordinates. Moreover, the evidence is sufficient to establish that the Beneficiary, as managing director, has been and would be primarily performing higher-level duties consistent with managing the organization as a whole and exercising discretion over its day-to-day operations.

ORDER: The appeal is sustained.

Cite as *Matter of A-M- Inc.*, ID# 1214159 (AAO Apr. 30, 2018)