U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF G-I- LLC

DATE: AUG. 26, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a company engaged in research and development of equipment in the oil production industry, seeks to employ the Beneficiary temporarily as its "Chairman/President" 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 was employed abroad and would be employed in the United States in a managerial or executive capacity.

On appeal, the Petitioner highlights the Beneficiary's respective positions within the foreign and U.S. organizations, pointing to its staff of management teams and engineering professionals, which it claims is sufficient to elevate the Beneficiary to the "top executive" position within each entity's organizational hierarchy. It also asserts that the Director did not adequately contemplate the Beneficiary's job duties, which it claims are essential to and are indicative of his control over both entities.

Upon *de novo* review, we find that the Director did not adequately consider the Petitioner's claims and supporting evidence, which includes descriptions of the Beneficiary's foreign and proposed job duties, and offers sufficient insight into the Beneficiary's foreign and proposed employment. The record indicates that the U.S. and foreign entities are adequately staffed with managers and professional engineering employees and that the Beneficiary has and would continue to operate within the context of these developed hierarchies where he has been and would be relieved from primarily engaging in operational job duties. We also find that the Director incorrectly applied the statutory definition of managerial capacity to the Beneficiary's subordinates by asserting that the Beneficiary "must have directed managers, *who then supervised and controlled the work of supervisory, professional or managerial employees* . . . ." (Emphasis added.)

In sum, we find that the Petitioner has provided sufficient evidence that establishes by a preponderance of the evidence that the Beneficiary was and would more likely than not be employed in an executive

capacity in his respective positions with the foreign and U.S. entities. In light of these findings, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of G-I- LLC*, ID# 4678063 (AAO Aug. 26, 2019)