U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 13093479

Date: DEC. 18, 2020

Appeal of Texas Service Center Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner, an information technology consulting services company, seeks to temporarily employ the Beneficiary in the position of "Manager- Consulting" in the United States under the L-1A nonimmigrant classification for intracompany transferees. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the Texas Service Center denied the petition, concluding the record did not establish, as required, that the Beneficiary was employed in a managerial or executive capacity abroad. In addition, the Director determined that the Beneficiary would not be employed in a managerial or executive capacity in the United States.

On appeal, the Petitioner asserts that the Beneficiary qualified as a personnel manager abroad based on her supervision of subordinate professionals. The Petitioner also contends that the Beneficiary would qualify as a personnel manager in the United States on the same basis.

Upon de novo review, we conclude that the record is sufficient to establish that the Beneficiary more likely than not acted in a managerial capacity abroad. First, the Petitioner has submitted a detailed foreign duty description for the Beneficiary indicating that she was primarily engaged in qualifying managerial tasks in her former position abroad overseeing several subordinate information technology professionals holding bachelor's degrees, including technical leads, an "assistant manager- clinical informatics," senior software engineers, solution architects, among others. The submitted supporting documentation also sufficiently establishes that the Beneficiary had the authority to recommend the hiring and firing of these subordinates and that she was responsible for other personnel actions with respect to them. Further, evidence in the record further demonstrates that the Beneficiary's subordinate professionals relieved her from primarily performing non-qualifying operational level tasks. As such, the evidence establishes that the Beneficiary was employed as a personnel manager abroad. 8 C.F.R. § 214.2(l)(1)(ii)(B)(3).

The Petitioner has also demonstrated that the Beneficiary would more likely than not be employed as a personnel manager in the United States in a role very similar to her former position with the foreign employer. Again, the Petitioner submitted a detailed U.S. duty description for the Beneficiary indicating that she would be primarily engaged in qualifying managerial tasks overseeing subordinate

information technology professionals in positions requiring bachelor's degrees, much like her former role abroad. The Petitioner also provided substantial supporting documentation reflecting the Beneficiary's personnel authority over subordinate information technology professionals with bachelor's degrees, including authority to recommend the hiring and firing of these employees and to perform other similar personnel actions with respect to them. Likewise, the submitted evidence indicates that the Beneficiary would be relieved from performing primarily non-qualifying operational duties by her professional subordinates. Therefore, the evidence sufficiently establishes that the Beneficiary would be employed as a personnel manager in the United States.

The totality of the evidence demonstrates that the Beneficiary was more likely than not employed in a managerial capacity abroad and that she would be employed in a managerial capacity in the United States. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has met that burden.

ORDER: The appeal is sustained.