U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 15234050

Date: FEB. 9, 2021

Appeal of Texas Service Center Decision

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

The Petitioner, a global software development and consulting services company, seeks to temporarily employ the Beneficiary in the position of "Senior Architect- Manager" 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, contrary to the Director's conclusion, the foreign duty description submitted for the Beneficiary is comprehensive and sufficiently detailed. The Petitioner contends this foreign duty description and provided supporting documentation demonstrates that the Beneficiary qualified abroad as a personnel manager of subordinate professionals. The Petitioner further asserts that the submitted evidence establishes that the Beneficiary would qualify as a personnel manager based on his supervision of professional subordinates in the United States.

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 he was primarily engaged in qualifying managerial tasks in his former position abroad overseeing a component of the foreign employer consisting of several subordinate information technology positions requiring bachelor's degrees, including a business analyst, a senior consultant, an architect, a "QA consultant," a project manager, amongst 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 he was responsible for other personnel actions. Further, evidence in the record demonstrates that the Beneficiary's subordinate professionals relieved him from primarily performing non-qualifying operational level tasks and indicates that he exercised discretion over the day-to-day operations of his component. As such, the evidence sufficiently 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 his former position with the foreign employer. Again, the Petitioner submitted a detailed U.S. duty description for the Beneficiary indicating that he would be primarily engaged in qualifying managerial tasks overseeing a component of consisting of subordinate information technology positions requiring bachelor's degrees, much like his former role abroad. The Petitioner also provided substantial supporting documentation reflecting the Beneficiary's personnel authority over subordinate information technology professionals, including the 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 likely be relieved from performing primarily non-qualifying operational duties by his professional subordinates and indicates that he exercised discretion over the day-to-day operations of his component. 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 he 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.