U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF C-USA, INC.

DATE: FEB. 13, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a grocery wholesaler, seeks to temporarily employ the Beneficiary as its business development and brand manager 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 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 record did not establish, as required, that the Beneficiary has been employed abroad in a capacity that was managerial, executive, or involved specialized knowledge, and will be employed in the United States in a managerial or executive capacity.

The matter is now before us on appeal. On appeal, the Petitioner submits additional evidence and asserts that the Director erred by reaching unsupported or poorly-explained conclusions.

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

On appeal, the Petitioner establishes that the Beneficiary's past position abroad, and his intended position in the United States, both meet the requirements of a managerial capacity. The Director concluded: "The majority of [the Beneficiary's listed foreign] duties are not generally considered managerial." The Director did not elaborate on this point by identifying the non-qualifying duties. Furthermore, the Director found that there is minimal subordinate support staff below the Beneficiary both abroad and in the United States, but this conclusion apparently rested on simplified organizational charts rather than more complex staffing structure evident elsewhere in the record.

The Petitioner has credibly demonstrated that the U.S. and foreign operations under the Beneficiary's past or intended authority are sufficiently complex to warrant managerial oversight, and that the Beneficiary's work involves more than simply the direct supervision of non-professional first-line subordinates.

ORDER: The appeal is sustained.

Cite as *Matter of C- USA, Inc.*, ID# 1850897 (AAO Feb. 13, 2019)