U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF I-USA LLC

DATE: FEB. 15, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, which provides information technology (IT) services, seeks to temporarily employ the Beneficiary as its manager and director of U.S. operations 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 Petitioner would employ the Beneficiary in the United States in a managerial or executive capacity.[1]

The matter is now before us on appeal. On appeal, the Petitioner asserts that the Director erred by misstating facts in the record and by imposing requirements not found in the statute and regulations.

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

The denial of the petition rested, in large part, on the absence of subordinate employees in the United States to relieve the Beneficiary from performing operational tasks. The record, however, credibly indicates that the Beneficiary primarily exercises managerial authority over professionals and their managers at an affiliate in Mexico. (The record does not strongly support the Petitioner's parallel claim that the Beneficiary will also serve in an *executive* capacity, but this additional claim is not necessary to establish eligibility for the benefit sought.)

ORDER: The appeal is sustained.

Cite as *Matter of I-USA LLC*, ID# 2193484 (AAO Feb. 15, 2019)

[1] We note that the Petitioner requests continuation, rather than extension, of L-1A status which the Beneficiary had previously held from 2013 to 2018, because the Beneficiary was outside the United States when the Petitioner filed the latest petition. *See* 8 C.F.R. § 214.2(l)(15)(i).