U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 9297241

Date: FEB. 26, 2021

Appeal of California Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (L-1A)

The Petitioner, a real estate investment, development, and management company, seeks to temporarily employ the Beneficiary as its general manager, strategic investment department, 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 California Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary was employed in a managerial or executive capacity abroad or would be employed in a managerial or executive capacity in the United States. On appeal, the Petitioner asserts that the Director did not review the totality of the record and submits a brief and evidence corroborating the Beneficiary's employment abroad in a managerial capacity and establishing that she would be employed in a managerial capacity for the U.S. office.

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 for the qualifying foreign entity for the requisite time period. The record includes a detailed and credible duty description for the Beneficiary's foreign employment indicating that she primarily engaged in qualifying managerial tasks. The record includes the foreign entity's organizational chart and supporting documents showing the Beneficiary at a senior level within the organization, managing a department within the organization, supervising subordinate managers and professionals in investment activities and entrepreneurial businesses. The record also includes detailed descriptions of the direct reports' job duties which sufficiently establishes the managerial and professional nature of their positions. The submitted evidence also sufficiently establishes that the Beneficiary possessed the authority to recommend the hiring and firing of these subordinates and that she was responsible for other personnel actions with respect to the subordinate managers and professionals. Further, the record demonstrates that the Beneficiary possessed the requisite authority with respect to discretionary decision-making in the foreign employer's equity investment department's day-to-day operations and that the Beneficiary's subordinates and their staff relieved her from primarily performing non-qualifying operational level tasks. As such, the evidence sufficiently establishes that the Beneficiary was employed in a managerial capacity for the foreign entity. Section 101(a)(44)(A) of the Act; 8 C.F.R. § 214.2(l)(3).

Similarly, we conclude that the record is sufficient to establish that the Beneficiary, more likely than not, will act in a managerial capacity for the petitioning organization. The record shows that the Petitioner is part of a multifaceted organization and that the Beneficiary will be part of its intricate organizational hierarchy. The record includes a detailed and credible duty description for the Beneficiary's U.S. employment indicating that she will primarily perform qualifying managerial tasks. The record demonstrates that the Beneficiary will be employed in the most senior position in the strategic business development investment department. The record includes sufficient evidence to establish that the Beneficiary will manage the department, supervise professionals, and delegate investment tasks to professional subordinates within the company's regional offices. The Beneficiary will also be tasked with building the department, creating an investment network throughout the regional offices, hiring additional professional financial and acquisition analysts, among others, and will be responsible for exercising discretionary decision-making over the day-to-day investment strategy and operations of the department.

In sum, the submitted evidence credibly demonstrates that the Beneficiary more likely than not devoted a majority of her time to qualifying managerial tasks abroad and will also engage in primarily managerial duties for the U.S. entity. The totality of the record demonstrates the Petitioner has satisfied the requirements to establish eligibility for this visa classification. 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.