U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 13904824

Date: JAN. 19, 2021

Appeal of Texas Service Center Decision

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

The Petitioner, a venue management, sales, marketing, and event booking company, seeks to temporarily employ the Beneficiary as its "General 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 that the Beneficiary had been employed for one year in a managerial capacity for the qualifying foreign entity. On appeal, the Petitioner submits a brief and evidence corroborating the Beneficiary's employment abroad in a managerial capacity for a qualifying foreign entity.

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 he primarily engaged in qualifying managerial tasks. The record includes the foreign entity's organizational chart depicting the Beneficiary at a senior level within the organization, managing the organization, supervising subordinate managers in finance, operations, guest and event services, marketing, sales, human resources, and administrative services, who in turn supervised and controlled personnel within each of their departments. 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 he was responsible for other personnel actions with respect to the subordinate managers.[1] Further, the record sufficiently demonstrates that the Beneficiary possessed the requisite authority with respect to discretionary decision-making over the foreign employer's day-to-day operations and that the Beneficiary's subordinate managers and their subordinates relieved him 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. 8 C.F.R. § 214.2(l)(3)(iii) and (iv); 8 C.F.R. § 214.2(l)(1)(ii)(B).

[1] On appeal, the Petitioner provides additional corroborating evidence of this authority with performance reviews, electronic mail discussing potential hires and salaries, and payroll information.

In sum, the submitted evidence credibly demonstrates that the Beneficiary more likely than not devoted a majority of his time to qualifying managerial tasks abroad and thus was employed in a managerial capacity by the qualifying foreign employer. 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.