U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 7142146

Date: JAN. 23, 2020

Appeal of California Service Center Decision

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

The Petitioner, a supply chain consulting and engineering company, seeks to temporarily employ the Beneficiary as a supply chain transformation director 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 California Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary is 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 the Beneficiary qualifies as a personnel manager abroad based on his supervision of subordinate managers and professionals. The Petitioner also contends that the Beneficiary would qualify as a personnel manager in the United States.

Upon *de novo* review, we conclude that the record is sufficient to establish that the Beneficiary more likely than not acts in a managerial capacity abroad. First, the Petitioner has submitted a detailed foreign duty description for the Beneficiary indicating that he was primarily engaged in qualifying managerial tasks overseeing a department including two subordinate managers supervising subordinate supply chain consultants with specialized bachelor's degrees. The submitted evidence also sufficiently establishes that the Beneficiary had the authority to hire, fire, and take other personnel actions with respect to the members of his department and indicates that he exercised discretion over its day-to-day operations. Further, the record demonstrates that the members of the Beneficiary's department more likely than not relieved him from primarily performing non-qualifying operational level tasks. As such, the evidence demonstrates 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. 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 department with a subordinate manager supervising professional supply chain consultants with specialized bachelor's degrees. The submitted evidence indicates that it is more likely

than not that the Beneficiary would be primarily relieved from performing non-qualifying operational duties by the professional members of his department. Therefore, the evidence establishes that the Beneficiary will be employed as a personnel manager in the United States.

The totality of the evidence establishes that the Beneficiary is more likely than not employed in a managerial capacity abroad and that he would be employed in a managerial capacity abroad. 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.